

# THE CALCUTTA JOURNAL.

OF

## Politics and General Literature.

VOL. II.]

WEDNESDAY, APRIL 2, 1823.

No. 79

### SUMMARY OF NEWS.

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#### Politics of Europe.

The Shipping Report of yesterday announced the arrival of the bark SCOTIA, A. Agnew, from the Cape of Good Hope the 10th of December, and Madras the 16th of March. A List of her Passengers is given in our last page.

We have now received our Files of English Publications by the MARQUESS OF HASTINGS, extending to the 22d of October; comprising the TIMES, SCOTSMAN, EXAMINER and LITERARY GAZETTE: from which we shall shortly give some choice extracts.

*O'Meara's Work.*—O'Meara's work had gone through Eight Editions and a copy could, with difficulty, be procured. It was sought after with avidity on the Continent and it was thought would soon be suppressed by authority, as it must prove so obnoxious to the Bourbons. The Edinburgh Reviewers, argue in favor of its authenticity, because O'Meara has not wit enough to invent the subject matter of its contents.

*Genuine Memoirs of Napoleon.*—Messrs. Colbourn and Co. in conjunction with Borange and Co. have contracted for the purchase of the Genuine Memoirs of Napoleon. They are editing by the Count de Montholon, and the most undoubted proofs of their authenticity will be given. The first two Volumes are to appear, in French and English, in a few weeks; the title of the work is, "*Memoires de Napoleon pour servir a l'Histoire de France; écrits par lui-même ou dictés aux Generaux Montholon, Gourgaudy.*" The M. S. with Napoleon's own corrections will be shown by the publishers.

*Calcutta Mint Machinery.*—We are happy to find, that the Hon'ble Court of Directors have at length determined to put the Mint on a respectable footing. The Chairman, Deputy Chairman and two other Directors had accompanied Mr. Canning to Soho near Birmingham, to view the Calcutta Mint machinery preparing by Bolton and Co. and were so highly gratified with it, as to have determined to adopt the same for Bombay. The Court had resolved to undertake a copper coinage for Bencoolen, partly for the purpose of perfecting Lieut. Forbes and Captain Hawkins of the Bengal and Bombay Engineer, as Coiners, and of instructing Mr. Ross, who had been appointed to succeed either of these Officers in the event of a Vacancy. — *Bombay Courier.*

*South of Ireland.*—Our worst presages of approaching evil have already begun to be confirmed by each newspaper that has reached this country within the last fortnight from the south of Ireland. Conspiracy, revenge, burglary, and murder, have all in their turn re-appeared. At Abbeyfeale the troops have thus early in the season been employed to scour the country for offenders, and have captured two of the Kerry incendiaries of October, 1821. The legal expedient of levying distress for rent has been undermined, rather than openly resisted, in the county of Limerick, by the practice of carrying off, or destroying at night, the cattle seized on behalf of the landlord during the day-time. In the very suburbs of Cork, a clergyman's house was attacked on Sunday morning the 29th of Sept. at 1 o'clock, and a faithful servant barbarously murdered. The Coroner's inquest sat, and brought in the necessary verdict; but the assassins, unfortunately, escaped. Now let us just ask what these preliminaries to the winter of 1823 are to end in? Punishment has

been tried, and with but transient, if any, efficacy. Nay, though it still prove incapable of suppressing crime, still we acknowledge that punishment must be employed to prevent or retard the increase of transgression which would be the unavoidable consequence of impunity. But what has coercion—what has terror yet accomplished, towards quieting—what was previously disturbed? The Insurrection Act passed, and operates at this hour: yet the menaces and preparatives of insurrection proceed as boldly as they did twelve months ago. The Habeas Corpus Act was suspended, and found practically useless; the army was increased, but declared, by no less authority than the Duke of Wellington, an inadequate instrument for maintaining the public tranquillity. What remains, then, to be tried? The new County Police Act! Unless the police be numerous as an army, they will not succeed where the army has so often failed. There does, indeed, remain to be tried—that into which, since the Government has not had the grace to enter voluntarily, it will at length be driven in mere despair—we mean a new system of national relief and conciliation. The Government and the grievances of Ireland cannot long exist together—one or the other must fall.

*Letter by M. B. Constant.*—We have inserted this day the whole of a letter addressed by M. B. Constant to the Procureur-General of the Court of Poitiers. The subject on which it is written has been long before the public. The Procureur had, on the late memorable trials, endeavored to elicit answers from witnesses tending to criminate M. Constant and other members of the Chambers. It now appears, on the assertion of M. Constant, confirmed also by a letter of the Mayor of Saumur, that the accusations laid in the way of questions against M. Constant and other members by the Procureur, are without any foundation; and that the riot at Saumur, in 1820, was not excited by M. Constant, but by others against him. We do think that the Chambers of Deputies ought to inquire into the conduct of the Procureur—to call upon him for the evidence upon which, during the discharge of his most awful duty, he had travelled out of the record, in order to accuse or calumniate certain members not cited to appear; and if this conduct shall be found to have been adopted on the mere impulse of passion or political hatred, the Magistrate who shall have been proved capable of thus acting should be removed.

*Dublin Guild of Merchants.*—In a paragraph which we extract from a Dublin paper, it is announced, that the Guild of Merchants are about to pass a resolution, pledging themselves to favour the future admission into their Guild, of such respectable merchants of Dublin as many offer themselves, "without religious distinction." It is high time for this departure from the old spirit which has hitherto governed every company without exception composing the Corporation of Dublin. The occurrence is not very frequent that laws should be more enlightened than the people for whom they are framed; yet, bad as the Irish parliament may have been, it had got the start by almost half a century, of those whom it professedly represented. It was less a monopolists, less a bigot, less a persecutor than the prevailing faction among its constituents. The law which opened all corporate privileges to Roman Catholics, depended for its execution upon the members of Corporations already and exclusively Protestant. So little did they sympathize with the legislative body which had confided to them this conciliatory power, tha

except in a very few instances, as we are informed, among the cities of the south of Ireland, the act remained a dead letter. In Dublin, there does not appear to have been a single case of a Catholic gentleman, however spotless in his character, being admitted to exercise the rights or franchises of a freeman. This opposition to the spirit of the law, as well as to every liberal and manly sentiment, was surely more disgraceful to those who practised, than to those who suffered under it. To the latter, it was nevertheless not an insult only; but a positive injury; members of the corporation having, as men of business, advantages of which others are deprived. We are happy to see that it is the Guild of Merchants, the most respectable corporate body of the metropolis who are likely to set this laudable, and certainly by no means premature example. Their authority cannot fail to influence the less distinguished classes; and perhaps in a few years the most bigotted of the present exclusive race, may look back and wonder at the harsh injustice which they have so long exercised upon their unoffending fellow citizens.

*Dublin Guild of Merchants.*—We understand the following resolution will be passed at the next Meeting of the Guild on Monday, the 14th October, at the New Hall, on Wellington-quay:—"Resolved—That as Roman Catholics are by the law of the land, eligible to the members of this Guild; and as there is no rule or by-law, on our books to exclude them, we therefore, in order to demonstrate our loyalty to the King, our respect for the laws, and our esteem and friendship for our fellow-citizens, do hereby declare our intention to support, with our votes and interest, the admission of such respectable Merchants of this city as may offer themselves, without religious distinction."—*Dublin Freeman's Journal.*

*Irish mode of showing Regret.*—Dr. Beattie, now Physician to Greenwich Hospital, is said to wear the ball, mounted as a brooch, which caused the death of the brave Lord Nelson, in the battle of Trafalgar.—*Evening paper.*—We have no doubt that the worthy Doctor means this strange ornament as a sorrowful memorial of his brave commander; but it is a somewhat Irish mode of showing regret, to cherish the instrument of destruction.

*Slave Trade.*—THE SIERRA LEONNE GAZETTE of the 20th of July says—"We have again to bear testimony to the successful zeal of Lieutenant Hagan in the cause of Africa and of suffering humanity. Yesterday this distinguished officer brought into harbour a large Portuguese brig with 300 slaves on board; she proves to be the ESTRELLA, M. P. dos Santos, master, cleared out at Bahia for Malembo, and furnished with a royal passport to take slaves from that place; she was, however, seized in the Bight of Benin, nine days from Lagos, where her cargo of human flesh was shipped. The ESTRELLA had been previously boarded by THISTLE off Cape Coast Castle, at which time the master professed himself to be bound to Elmina for a supply of water, provisions, &c., to enable him to proceed on his voyage; but it now appears, that the only supply he procured, was canoes, which, we lament to state, are there furnished to every slave-vessel without the least reserve. In the river Calabar, Lieut. Hagan detained another Portuguese vessel, the SAN JOSE HALLAXA, with 20 slaves on board. This vessel, a schooner, was found on examination to be in so leaky a state, that she could not be brought to this port; she was therefore destroyed, the slaves being first removed on board the THISTLE. Donna Maria da Cruze, the daughter of the notorious Gomez, of Prince's Island, is the sole owner of the SAN JOSE HALLAXA. The schooner CONCEICAO, condemned in the Mixed Court some time since, was also the property of the same lady, who, it would seem, bids fair to rival her father in slave dealing notoriety. Gomez was formerly Governor of Prince's Island, and at present holds a high station among the Honourable Council of his Most Faithful Majesty in that island.

*Marriage Regulations and Ceremonies.*—At the time when there is so much said about marriage and marriage regulations and ceremonies, it may not be unacceptable to give the old form of

words, as it existed in the Richard the Second. We quote it from an old missal of that time:—"Iche M. take thee N. to my weddid wyf, to haven and to holden, for fayre for fouler, for better for wors, for richer for poorer, in sknesse, and in healthe, from thys tyme forward, 'til dethe us depar e, zif holi chirche will it ordeyn, and zerto Iche plizhe the my treuth." And on giving the ring—"With this ring I the wedde, and zis gold and silver Iche the zee, and with my bodi I the worschepe, and with all my wordly castelle I the honoure." The woman says—"Iche N. take the M. to my weddid husbond, to haven and to holden, for fayrer for fouler, for better for wors, for richer for poorer, in sknesse and in helthe, to be bonch and buxum in bed and at borde, tyl dethe us departe, for thys tyme forward, and if holi churche it wol orden, and zerto Iche plizhe the my treuth." Until the time of Edward VI. the marriage ceremony was performed in the church-porch, and not in the church. It may be curious to notice, that the wedding ring is worn on the fourth finger of the left hand, because it was anciently believed, though the opinion is exploded by modern anatomists, that a small artery ran from this finger to the heart.—*Times. Oct. 2.*

*Brighton Palace.*—"It will be remembered," says a Brighton Correspondent "that the King purchased the line of houses from Church-street to Malborough-house, with the exception of the corner house and a blacksmith's shop, the owner of which, thinking that they could not be dispensed with, demanded a most shameful price. By an act of Parliament his Majesty could have compelled him to sell at a fair valuation; but this he disdained to do, and they remain in the same possession; but within the last few weeks, and during the absence of his Majesty, a wall has been run up between the King's house and the house in question, which effectually shuts out all sight or communication. This retaliating spirit, however just, is beneath a King; and we rejoice to say, that his Majesty knows nothing of the matter. There is, therefore, reason to expect, that the wall will be removed on his return to Brighton, which we need not say is anxiously desired."—*Evening Paper.*

*Lord Chancellor Eldon.*—Lord Chancellor Eldon was the pupil of Mr. Bray, a great conveyancer, who was the nephew of Matthew Duane, the Roman Catholic conveyancer. "Such was his assiduity and attention," that Mr. Bray observed, "there are several of the young men in my office who possess equal and even greater talents than Scott, but none who have equal patience, or plod so much; I therefore have great hopes of him." Mr. Scott, however, had no great hopes of himself; for he despaired of rising in Westminster-hall, and actually conceived the idea of retiring into the country, and practising as a provincial lawyer. Accordingly, when the Recordship of Newcastle became vacant, he applied to Mr. Bray for his interest on this occasion. The latter assured him of his utmost efforts on his behalf, but recommended a longer trial. On a longer trial he succeeded. At that period he resided at Powis-place, near Great Ormond-street, in the vicinity of his old master; dined every day at half past three, and at five regularly trudged down to chambers. As he constantly passed the door of Mr. Bray, the latter was accustomed to say to his wife, "Remark what I say, my dear; you will live to see this young man Lord Chancellor of Great Britain!"—a prophecy that was actually fulfilled in a very few years. The pride of wealth of the Surtees was wounded at the alliance; the country banker and his family disdained connexion with the son of a coal-fitter and the grandson of a coal-skipper; but the young lawyer replied officially, by affixing his seal, as Lord Chancellor, to the docket that sanctioned the bankruptcy of the family.—*Morning Paper.*

*Earthquake.*—We observe that many of the London papers have copied a paragraph from a neighbouring journal, stating that a slight shock of an earthquake had been felt at Duostan, near this town (Newcastle). We have never heard of the circumstance, and should rather conclude that the effects alleged were caused by one of those shrinkings of old coal workings so common in this neighbourhood.—*Newcastle Chronicle.*



**The late Fire in the West Port.**—One of the inmates, an Irishman, was rescued from destruction in spite of himself. He had gone to bed inebriated, and on being awakened refused to rise, observing that "he had paid 3d. for his bed, and would have his sleep out." His disturbers had too much humanity to indulge him, and notwithstanding his resistance, succeeded in dragging him forth.—*Edinburgh Star.*

**Interesting Circumstance.**—One evening, lately, as a woman and her infant child were seated on the top of the foremost of four carts, on the road from Montrose to Dundee, the mother insensibly fell asleep, and during her imprudent slumber the child fell from her arms. Owing to the darkness of the night, and the noise of the loaded carts, the carriers neither saw the child fall nor heard its cries; and they even proceeded two miles farther on before the mother awoke, and found the child gone. Her sensation at this moment will be best conceived. Instant search was made, when the child was found at the above distance behind, apparently not much hurt! The skirts of the clothes were in the cart track.—*Scotch paper.*

**Incendiarism in Wilts.**—On the night of the 6th of Sept. the teazle house of Messrs. Heale and Co. at Quemerford, in the parish of Calne, was set on fire, and a barn, containing about 25 sacks of wheat, situate at Christian Malford, the property of the Earl of Carnarvon, was consumed by fire at about 3 o'clock in the morning of the 17th. Messrs. Heale and Co. have offered a reward of 100*l.* for the discovery of the offenders; and a reward of 50*l.* has been offered by the Rev. J. W. Beadon, rector of Christian Malford, for the apprehension of the perpetrators of the fire there. In both instances, likewise, his Majesty has been pleased to offer a free pardon to any one (except the person who actually set fire to the premises) who shall discover his or her accomplices.—*Borehamster Gazette.*

**An Attempt at Suicide.**—A young woman at No. 2, Weller's place, St. Pancras, tried to put an end to her existence, on the 2d of Oct. by taking a dose of poison (what the poison was, she will not tell, but it is supposed to have been opium.) She soon became insensible, and lifeless to all appearance. Mr. Davies, a neighbouring surgeon, was sent for, who immediately poured down some medicine, through a tube introduced into the nostril (the teeth being completely locked) which soon produced vomiting. By a little more medical assistance, she gradually recovered the use of her senses, and is now nearly well. This was the second time that she attempted to destroy herself.

**Late Lord Camelford.**—The late Lord Camelford, of duelling notoriety, entered one evening the Prince of Wales Coffee house, Conduit-street, as was his usual custom, sat down and read the papers of the day. A dashing fellow, and, as he thought himself, a first-rate blood, entered afterwards, threw himself on the opposite seat of the same box, and in a consequential tone bawled out, "Waiter! bring me a pint of Madeira and a couple of wax candles, put them in the next box." He then drew to himself Lord Camelford's candles, and began to read. His Lordship then glanced a look of indignation, and continued reading his paper. The waiter soon re-appeared and announced the completion of the gentleman's commands, who immediately lounged round to his own box. Lord Camelford having finished his paragraph, called out in a mimic tone, "Waiter, bring me a pair of snuffers!" They were quickly brought, when his Lordship laid down his paper, walked round the table in which the blood sat, snuffed out both the candles, and retired to his seat. Boiling with rage and fury, the indignant beau roared out "Waiter, Waiter, who the devil is this fellow, that dares to insult a gentleman? What is he? What do they call him?" "Lord Camelford, Sir," replied the other, in a tone scarcely audible. The coxcomb, horror-struck at his danger, said tremblingly, "What have I to pay?" On being told, he laid down his money, and sneaked away, without even tasting his Madeira.

**Ilchester Gaol.**—In June last, Mr. Hardy, keeper of Ilchester Gaol, lost two of his prisoners, convicted at the last spring assizes, who succeeded in making their escape from the walls of the gaol. One was retaken the same evening; the other, of the

name of John Hallett, a most notorious character, evaded the various parties sent in pursuit of him in the neighbourhood of Kingsbury, Creek, and various parts of Dorsetshire. In the course of last week, Mr. Hardy received private information that he had been seen in the neighbourhood of Hindon, and it was possible Hallett might be met with at Woodburyhill fair; accordingly, on Thursday week, Mr. Hardy, jun, and Pike, the turnkey of the gaol, were despatched in pursuit of him, and on Friday afternoon, about half past two o'clock, they succeeded in retaking him, having found him in a booth on the top of the hill, with a number of Gipsies, and he is now safely lodged in Ilchester goal. Great praise is due to Mr. Hardy, the keeper of the gaol, for his indefatigable exertions to retake this notorious character. A circumstance took place which shows the singular depravity of the companions of Hallett. Immediately on its being known that he was in custody, one of the fellows rode off with a bright chesnut horse, which he had been riding in the fair, and was at the time of his apprehension tied up alongside the booth, and with which the fellow escaped.—*Taunton Courier.*

**Bayonne.**—Accounts from Bayonne, dated September 24, contain the following particulars:—"We have letters from Bilbao of the 20th, which state that the factious have disappeared from that province, they mention also the arrival in that port on the same day of two battalions of the line of 500 men each, which had been embarked at Corunna. The militia of Bilbao, to the number of 300 men, made a sally on the 18th in two columns, one going towards Durango, the other towards Balmareda, with the intention of scouring the province, but they did not meet with any enemy to combat. A report of the Political Chief of Vittoria, dated the 21st, announces the total defeat of the partisan Quebilla at Andagoya on the 19th, three leagues from Vittoria, at the foot of the mountains of Pena Serrada. Quebilla had passed the Ebro with 80 horse, and intended, it is said, to penetrate into Navarre; but he was defeated by a detachment of Baylen, from Vittoria, which killed 40 of his men, and took 50 horses. This report even states, that Quebilla had been severely wounded in the thigh by a musket-ball. We see fugitives from the Army of the Faith daily arrive here, in the most pitiable condition. The second in command of the band of Zabala, named Barrutia, is also at the Lazaretto. The GAZETTE of St. Sebastian continues to print reports of various actions with the bands of Guézala, Zabala, and Uranga, which are completely broken up and deserting their chiefs. Espinosa is now able to bombard Irati, which he has invested. Numerous bands of soldiers, of the division of Quesada, which have abandoned him in Catalonia, have returned to their homes. The interior of Navarre is still in a state of anarchy, infested by bands of real banditti, without any improvement in the public spirit of the inhabitants. The emigration continues, especially of priests and monks. Sir Wm. A'Court was expected at Vittoria on the 23d in the evening.

Much speculation has been afloat of late, respecting the expedition under Captain Parry especially as no tidings have been brought by any of the whale ships recently arrived. But it seems that no information could be expected, the expedition not being in the track of the whale-ships, having entered by Hudson's Bay which is to the southward of the fishing ground. Besides, if they had made any progress to the Westward last year, and were returning next year unsuccessful, there can be no accounts of them for some time; for the ice, inland, (as Captain Parry found on his last expedition) does not break up till August, and then there is a tedious navigation before they can reach the sea.—*Hull Packet.*

**Galway.**—A Galway paper says—"Fever every day adds to the sick list some of our worthy and most useful citizens. Drs. Browne, Keogh, and O'Shaughnessy, are this moment lying under the infection, the malignity of which has attacked and is oppressing a greater number than can be well conceived by any persons not immediately on the spot. Heaven alone knows where it will end; and every person is in a manner deserted. The hospital, as we before mentioned, is full to excess, and people complain pretty

generally that the convalescent are not suffered to remain a sufficient length of time in the house appropriated to their reception. Some medical men assert, that this is not the case; and that eight days is full enough for them to remain there; of this they, of course, can best judge, but people cannot be well argued out of opinions and prejudices of this kind, especially on such occasions as the present, when a malignant fever is abroad, and when even the conceit of having caught the infection is considered quite sufficient to incur it. If it can be at all done—and we are persuaded it can—in God's name let the poor creatures not be suffered to run into society as soon as they are present allowed. The Government of the country will cheerfully and liberally forward our object."—*Times*, October 3.

*De Luc, the Natural Philosopher.*—The passion of De Luc, the natural philosopher for music was so predominant in his latter days, that a piano was placed by his bed-side, on which his daughter played great part of the day. The evening of his death, seeing her father ready to sink into a slumber, she asked him—"Shall I play any more?"—"Keep playing," said he, "keep playing." He slept, but to awoke no more!

*Fonthill Property.*—The Abbey has been more fashionably attended this day (Wednesday, October 2) than on any day since Friday last, when the postponement of the sale was announced. The additional week of exhibition given, took some time, of course, in getting known through the country; and until that arrangement became tolerably public, the arrivals at Fonthill might naturally be expected to decrease. Sir F. Burdett was here yesterday with part of his family; but the stay of the hon. baronet was short. Mrs. Coutts has been down; and report says that she is to purchase largely: Heaven help the poor people who bid against such an antagonist! None of the London pick-pockets (by some oversight) have appeared at the Abbey. Every arrangement was made for their reception; but none (from some accident) have yet presented themselves. If there be an absence, however, of rogues upon the present occasion, the supply of beggars is very promising indeed. Besides, old women innumerable who lie in ambush by the way side, every gate within five miles of Fonthill is furnished with at least a dozen porters; and boys, *en commissionnaires*, start from behind every hedge, who become mendicants or *valets de place* as their convenience may require.

The old mansion of Fonthill, one wing of which is still remaining, stood (qua the precise spot which it covered) in a rather unfelicitous situation; but its grounds (if we were to separate two properties which now exist as one) would stand superior in our estimation, to those of the Abbey. The location of the old building was certainly rather an extraordinary one: it stood in a bottom, with hills immediately in its rear; and was arranged in such a manner as that every drop of water which fell within half a mile of it, was conducted to its foundation. The advantages of the house however—bating that particular accident as to the situation, which might easily have been avoided—were considerable. There is nothing at all about the grounds of the Abbey to compare with the broad lake which flows in front of the old mansion; its shallower points covered with water-fowl of every class and country, from the swan to the solan goose—from the gaudy Muscovy duck to the common moor hen; and its deeps thickly tenanted by trout, carp, tench, and grayling, who, basking on its surface when the sun shines, seem to take the air at their leisure. Then the eastern shore of this water (the shore opposite to the mansion), displaying a succession of fantastically broken steeples, wooded down even into the stream, and with rock for their foundation, afforded opportunities for picturesque disposition—we may say for romantic—which have not been overlooked. The grotto, as it is called (we just named this feature in a former column) is one of the most striking beauties upon the old part of the demesne. Lying against, or rather cut into, the belly of the hill, it consists of two divisions, the one above the other. In the upper department, amidst a labyrinth of small caves and passages, a rude basin of rock, surrounded by crags, and overhung with lofty trees, re-

ceives the drizzlings of a tiny stream, called "The Petrifying Spring;" the range of cave below, is divided into three arched chambers; and, from the centre vaults of these there is an opening to the lake, which flows up a miniature creek, half way into the apartment. There is something, in fine weather, very delightful about the place. The vaulted roof of this last centre cavern we mentioned runs low towards the front that opens upon the water, so that the stranger's prospect (standing erect) scarcely reaches across the lake; the basin or little creek in the mouth of the apartment is as clear to the bottom as a Fonthill vase of crystal; and the trout which lie concealed among the roots about its margin shoot away with the speed of lightning at the approach of a human figure. Some forty feet higher, and still upon the same rock, lie some excavations of ampler dimension than those we have mentioned; but these, owing, we believe, to stone having been recently taken from them, are not turned to much account in the way of picturesque effect. But perhaps the greatest beauty of the whole arrangement of this place lies in the simplicity of the disposition, and in the absence of petty snobbery; there is no shell work, no fossil, no baby-house trumpery; no patchwork of two hundred different materials brought from two hundred different places, but the whole scene being upon such a scale as admits its resembling nature, the artist very judiciously avoided breaking that charm. He who loiters at the close of the day in these water-bound recesses, where the rock against which he leans has the ivy of half a century upon it, where his prospect is only the deep lake, or the woods which rise beyond it—he who wanders through these dark paths, tangled with birch and mountain ash, disturbing at each turn some heavy aquatic bird, that flaps its broad wings between anger and alarm, and dashes, hoarsely screaming, towards the flood for security—he who lingers, towards nightfall, in these romantic solitudes, hears the tinkling of the ship-bell wafted softly across the stream, or listens to the roar of the overflowing water, as it dashes down a cascade in the distance; when his senses are soothed by the sighing of the wind through the pines, and when no sound of human action comes to irritate his serenity, unless it be the last fall of the woodcutler's axe in the forest which surrounds him;—a being so beguiled might even forget his own happy matter-of-fact country, and fancy himself on the wild banks of the Mondego or of the Guadalquivir; and the lover of solitude may enjoy this delightful scene the more fully, because, belonging to the old grounds, as they are called (which are a good deal neglected) it attracts but, comparatively, a small number of visitors. Those persons who do come, just look at the grotto—by the way, we wish we could hit upon any other term to express a simple cavity of sylvan character; the very word "grotto" smells horribly of Knightsbridge and of Bow—but the good people who do visit the old grounds come only for a few moments; they see the grotto, and the cold bath, and the petrifying spring, "and then are heard no more." A word here, by the way, about this same petrifying spring—for the true lapidizing qualities of which we would not be understood to pledge ourselves. The country people are satisfied that the stream must be petrifying, because there are stones all about it. This is a strong fact, certainly, if not quite conclusive. But there is no petrification like one which (even when petrified) retains a shape which amounts to evidence of previous existence in softer materials. We saw a petrified whig, for instance, somewhere once. Rembrandt's "Rabbi," in the Picture-room here, must have bowed and believed upon testimony such as that! But what we were about to observe, touching this petrifying spring, is, that, we are very much afraid the cold bath is supplied from it. We just mention this fact as a caution to Fonthill visitors. We have heard of stony hearted people. It might be curious to examine, when such a character was discovered, in what particular places he had bathed in the course of his life. No doubt this matter will eventually come under the consideration of the faculty, and we are far from intending to offer our crude opinions upon it; but very important discoveries are sometimes made quite by accident: and for the present, we think, persons who have bowels may do well to avoid washing in hard water.—*Times*.



# MISCELLANEOUS.

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## Ireland.

Dublin, Oct. 2, 1822.—His excellency the Lord Lieutenant entertained a splendid party of nobility at dinner yesterday evening, to meet their Graces the Dukes of Devonshire and Leinster.

On Friday the Duke of Devonshire, accompanied by the Earls of Clara and Glengall, and the Hon. Mr. Abercromby, visited Limerick. The noble party arrived in an open coach and four.

Extract from a letter just received from a very respectable correspondent at Abbeyfeale :—

"Last night in consequence of a previous arrangement, the detachment of the 39th regiment, at Castle Island, commanded by Major Carthew, and a detachment of the same regiment quartered here commanded by Captain Crotty, scoured the mountains between this place and Castle Island; and after being out till break of day, Captain Crotty's party succeeded in bringing in two notorious characters, Denis Keefe and Maurice Roche, for the attack and burning of the house of E. Harnett, of Sandville, in the county of Kerry, Esq., last October; and we have just heard that a man of the name of Daniel Keefe, the leader of this party, has been taken by the Castle Island party. We have had information, which I believe to be true, that delegates were here last Tuesday at the fair of Abbeyfeale from the county of Cork, endeavouring to seduce the people to join them; and their reception, as far as I can learn, was very cold. A parcel of cows, sold for rent yesterday by General Lock, and which were bought at the auction by different people, disappeared in the course of last night."—*Limerick News*.

Cork, Sept. 30.—It is with feelings of horror and indignation that we announce the most daring instance of burglary and murder which has been perpetrated in the suburbs of this city for a length of time, and one which has spread terror and alarm among the inhabitants of a peaceable and populous district. Yesterday morning, at one o'clock, an armed banditti entered the house of Rev. J. B. Creagh, Hyde-park, in the north suburbs of this city, and having made a noise which awoke the butler, (a man of excellent character, of the name of M'Cormick,) he got up and went out, when, melancholy to relate, they shot him through the neck, and he expired in a few minutes. We feel it unnecessary to dwell at any length on the enormity of the deed or the desperate daring that could have devised such an undertaking, as the stamp of general reprobation has been affixed to it in the feeling and zeal manifested since it became known, by all classes of our fellow-citizens, for the apprehension of the guilty perpetrators of so foul an outrage.

We annex the particulars of the Coroner's Inquest, omitting a few passages for prudential reasons :—

**CORONER'S INQUEST.**—Immediately on hearing of the outrage, the Mayor and Sheriffs, accompanied by Henry Hardy, Esq., one of the city Coroners, with a number of gentlemen and the High Constables, repaired to the residence of Mr. Creagh, to hold an inquest on the body, and shortly after the following respectable jury was sworn :—David Howe, jun. Joseph M. O'Keefe, James Foot, James Thompson, Michael Tisdale, Wade Foot, Dennis M'Carthy, Thomas Twoohy, Joseph Abbott, Robert Shea, William Murphy, and Jeremiah S. Murphy.

The Coroner briefly addressed the jury, and called the first witness,

Dr. Sharp, who deposed to the deceased having come by his death in consequence of a pistol ball having entered the left part of his neck, above the collar bone, which entered his lungs in an oblique direction, passing the basis of the heart, and lodging a considerable quantity of blood in the stomach; the wound he described as being half an inch in breadth, and eight inches deep, and that he must have received it in a slanting position.

Charles Daly, a boy who slept with the deceased, deposed to his having heard the latch of the door raised, and his having asked who was there, and on receiving no answer, the other servant, William M'Cormick, arose and said he would soon know who was there; that he went out in his shirt, followed by a small dog which was in the room with them; that he got frightened, and covered himself with the clothes; that shortly after he heard a loud groan like one would give that fainted; that he also arose and found all the doors in the passage open, and went up the back stairs to Mr. John Creagh's room, who he found was up, and told him what he heard; and believed William saw something in the hall and fainted; that Mr. Creagh made witness dress in his younger brother's clothes, and, as he was small, put him through a window to call in assistance at the porter's lodge, which he did; that he went to the lodge and rapped, and that the lodgeman's son got up and let him in, but the lodgeman would not believe him when he said that William was dead; that when the lodgeman man saw him in the strange clothes he believed him, and got up to call a watchman who was near hand, and the gentleman about to assist.

Mr. John Creagh is eldest son of the Rev. J. B. Creagh, who is from home; was awoke by his mother making into the room where he

and his brother slept, on informing him that some persons were in the house, as she heard a shot fired; that he and his brother ran out of bed, and the boy Daly came up, and repeated what he stated in his evidence; that he immediately got a light and a kitchen poker, and went down the front stairs to the hall, accompanied by his brother, and on reaching the foot he heard a deep groan, and saw the servant man lying on his side, and a great quantity of blood gushing out of his mouth, and all the doors open; he then returned to get his mother, sisters, and cousin together, and having done so, he sent the boy Daly out for assistance, but the boy delaying a considerable time, he got alarmed and jumped out of a window, and went down to get assistance himself, which, being obtained, he returned as quickly as possible to the house, and found strewn in the lawn some clothes, hats, boots, &c., which the villains dropped; that on coming up to the house he found one of the drawing room windows up, and the inside shutters forced open with a small iron bar, and which was found about two yards from the window; he saw some blood, and the ground had the appearance of a scuffle, he found also the marks of blood on the window shutters, and followed it into the hall; M'Cormick was found on his back quite dead. On examining the hats, he found one was missing, and a strange one left in the place of it, an English made hat with the name "William and Thomas Townsend, (late R. Townsend and Son), London, Extra Fine Short Beaver;" there were also taken a 6-keyed flute, and some other articles.

Honora Daly, cock-maid in the house, sworn—Went to bed the night before at 11 o'clock with the other two maid servants, as all slept in the same room; was awoke by a shot being fired, and a loud cry of murder; believes she heard the cry first, and also heard the dog barking; was much alarmed, and would not distinguish the voice; would not know it to be the man servant; William M'Cormick was the last person in the drawing room, and it was he that fastened the shutters.

Denis Drinan, watchman, deposed to his having heard a bitter screech and a shot fired; was about 300 yards from Mr. Creagh's house, and is sure the shot came in that direction.

Mr. George Foot deposed to his having come up to the house with Mr. John Creagh, and his having found the iron bar (which he identified) on the window-frame.

The depositions here closed, and Mr. HARDING addressed a few words to the jury, who brought in the following verdict :—

"We find and present, that on last night, some person or persons broke into and entered the dwelling-house of the Rev. John Bagwell Creagh, situate at Hyde-park, in the North Liberties of the city of Cork, and feloniously stole several articles thereout, and then and there feloniously and wilfully killed and murdered Wm. M'Cormick, servant to the said Rev. John Bagwell Creagh, who was in defence of his master's property, by one of said persons unknown shooting him with a ball discharged from a pistol, upon the upper part of the neck, thereby inflicting a mortal wound, of the breadth of half an inch, and depth of eight inches, of which mortal wound the said William M'Cormick languished for about five minutes and then died of the same."

The inquest was sitting for five hours, and the greatest solicitude was evinced by the worthy coroner and the jury to ascertain the most minute particulars.

On hearing the circumstance, Mr. Sheriff Morgan, accompanied by Messrs. Rogers and Hewson, High Constables, repaired to the different houses in the neighbourhood of the barracks, where the banditti is supposed to have come from, but all were more regular there than they had been in the habit of being for some time before.

We also understand that the house of Mr. Condon on the Wellington-road was attacked on the same night by the same gang, before they went to Mr. Creagh's; and that one of the party was taken by a son of Mr. Condon's, but rescued by the others, and in consequence of the alarm they made off.

The WATERFORD MIRROR of Monday, after giving the above articles, adds the following :—"We regret to say that accounts still more distressing from the immediate vicinity of Cork reached us last night. Of their authenticity we have no doubt, but our information is not sufficiently precise to warrant details. The same conveyance brought us unpleasant intelligence from the confines of the counties of Cork and Limerick."

On the 29th instant, as Martin M'Mahon was in the act of driving cattle for rent due to Mrs. Bradshaw, of Kiltelly, he was attacked by a number of peasantry, who beat him and fractured his skull. He was conveyed to the County Infirmary in a dangerous state; the cattle was rescued.—*Limerick Telegraph*.

Waterford, Sept. 30.—We are sorry to hear from unquestionable authority, that outrages have been committed on valuations of tithes in the neighbourhood of Aglis, in the south west of this county. It is apprehended that these outrages proceed from a very dangerous and extensive combination.—*Mirror*.

*Trales, Sept. 29.*—A few days since, two young gentlemen having some difference in the streets of Scariff, county of Clare, which led to a boxing match, one of them in a moment of irritation ran into his father's house, and having taken a fowling piece which was loaded, fired at his antagonist, whom he missed, but the shots unfortunately took effect upon a young man standing near, but totally unconnected with the party, and who now lies in a dangerous situation.

### Letter of M. Benjamin Constant.

The following is the letter addressed by this gentleman to the Procureur-General of the Royal Court of Poitiers:—

*Monsieur le Procureur-General.*—While you merely confined yourself to introducing my name, and that of several of my colleagues, in an act of accusation happily unexampled in our judicial annals, and which I hope, for the honour of the French courts, will also be left without imitators, I was, and was bound to be, silent. I was silent, because it was proper that the proceeding should show how far your indictment was, as your apologists asserted, the faithful mirror of the facts of the case;—I was bound to be silent, because in a cause which involved the lives of a great number of citizens, I should have reproached myself had I attached importance to what had interest for me alone.

Your speech of the 5th of this month authorizes me, or rather compels me, to emancipate myself from this reserve. In that speech you no longer confined yourself to pretended extracts from depositions of the witnesses or of the prisoners. You were not merely satisfied with bringing up my name in questions which had no relation to the case you were employed to conduct, but in justification of which you may allege the latitude granted in discussions to a public officer. You formally accused me, while you declared that you were destitute of any thing like substantive proof. With events which took place at Saumur in 1832, you connect my passage through that town in 1830; you pervert all the facts; you appeal to witnesses which no longer exist. All this part of your speech assumes an affirmative form, which leaves no room for explanation, and is equally destitute of truth and of moderation.

I shall, however, endeavour to reply to it calmly, and without passion.

You are so melancholy an example of the errors into which passion precipitates those of whom it takes possession, that you will serve me, I apprehend, as a preservative; and to your violence I shall be indebted for my moderation.

This is not a justification which I am about to address to you. Impressed as I am with respect for regular forms, sanctioned by the laws, I should consider myself wanting in what I owe to my functions, my colleagues, and the whole Chamber, were I to descend to play the part of a person accused, when you yourself have stripped your assertions of the only character which could render them legitimate—that of legal accusation. By the single circumstance of declaring yourself incompetent, you are placed with respect to me in the situation of a man who attacks uncommissioned who inculcates without proofs, and who is no longer a public officer, but an individual who may, if he deserves it, be confounded, without any deviation from that respect which every citizen owes to the judicial magistracy of his country.

My chief object will therefore be, to explain to the public and to you the course which you have pursued since the origin of this affair, which you have rendered as singular as it was deplorable. France and you yourself, on your conscience, will judge whether I am wrong.

The object of your indictment was to compromise as many of the members of the opposition as you could. You have accordingly sought after, or made most of the opportunities on which you seized for introducing their names. I shall hereafter supply the proofs, and I shall show how you have for this object misrepresented every fact. I confine myself at present to pointing out your object, and to enumerating the means of reaching it, of which you imagine you are possessed.

The first of these means is the formation of a pretended provisional government, a fact which you would establish on the authority of a person absent by contumacy; an inexhaustible source, which may be drawn on without restraint, for there is no fear of contradiction. But this fable has in the course of the proceedings been rendered so incoherent by the multiplicity of names and variations, that, in spite of all your efforts to preserve for it some character of unity, you have been obliged to retreat under the infliction of ridicule. Your own apologists in the Chamber of Deputies had settled the business before you. It would indeed be an easy way of incalculating men to insert their names without their knowledge on a list of which they could know nothing.

You hoped for more success from your second means. I mean the letter which according to your assertion was written by me to M. Goyet de la Sarthe. This means, however, failed you, for the very simple reason that this letter never was written, and never could be written by me, as I never knew of the affair of Saumur until the news was circu-

lated in Paris. Nevertheless, you laid it down as a fact that I wrote that letter—you laid it down as a fact, in speaking to a prisoner; you said that he knew it. You have, Sir, affirmed what is false, and you are now in the situation in which your defenders in the Chamber laboured to place you; for if I wrote that letter, and if you knew that I had so done, it was your duty to accuse me.

Your excuse, derived from the existence of two plots, does not apply here. According to your assertion, I had written the letter to M. Goyet during the first plot; I must therefore have had something to do with that plot. You were competent to the prosecution of the first plot. My accusation was your duty. Is your assertion true? You have then failed in your duty. Is it false? Then you have violated truth.

It is, indeed, well known, for we have it from your own mouth, that you often make affirmations without proofs. On the 2d of September you said to a witness—"We know that you were the messenger from Saumur to Paris." When he exclaimed—"Where are your proofs?" you replied—"If we had proofs, you would among the accused." Thus you declared that you knew the fact, and yet you admit that you had no proof!

It was then necessary to renounce the invention of a pretended letter which never was written.

Two means still remained for you; and I must say that you did not neglect the first.

The first was the soliciting against me and my colleagues, by questions for which no ground was laid, depositions from the prisoners or the witnesses—the repeating our names when none of the deponents had any reason for pronouncing them (which was called, 'putting them on the way' in the sitting of the 28th of September)—the inviting with an affected delicacy every witness and every prisoner to give us a place in his declaration—the officiously prompting the recollection of those who did not name us, by reminding the refractory of your valuable right of recommending incarceration—the impressing on rebel consciences the terrors of dungeons, in order, doubtless, to render their testimony more conformable to truth.

I must do you justice. In this way you have done all that could be done. Hope, fear, insinuation of favour and of punishment—nothing was wanting on your part. You are not to blame if so much address have produced nothing.

Finally, you had a last means, and on it you doubtless greatly relied, M. Grandmenil, to whose existence, never having seen him in my life, I gave no credit until I saw from the proceedings that it was certified by the prisoners—M. Grandmenil was in contumacy. An absentee of this description is extremely useful. You have accordingly bestowed particular care on the drawing of that part of the indictment which relates to the words attributed to Grandmenil.

You said—"It results from the declarations of Grandmenil, that he was presented to MM. Lafitte, Benjamin Constant, Foy, and Lafayette; that he made himself be recognized by Carbonari cards; that he has seen them separately, and together, &c."

Thus, by the skilful arrangement of a single phrase, you left it to be inferred from the language of the person in contumacy, not only that he had mentioned such a thing, but also that such a thing had actually taken place. You transformed the proposal into a fact, and according to your general custom, affirmed it to be so; being probably at the same time ready, according to your general custom, to agree, if necessity required it, that there did not exist the slightest proof of it.

A measure of this nature promised something, I allow; for you announced that a witness, whom you had in reserve and kept in the shade, had heard these proposals made, and would swear to them whenever you might wish it. I might even add, as you might wish it; for do you not tamper with false witnesses?—do you not threaten with imprisonment every witness whose memory is so intractable as not to recollect whatever you order him to declare?

If moreover, as the discussions seem to prove, this witness, who afforded so much information regarding the person in contumacy, was himself implicated in what you have thought proper to denominate the second conspiracy; if his life or his liberty depended upon his obsequious compliance with your wishes, then the success of it appears infallible. Such measures were employed in England towards the conclusion of the last century but one; and were successful for more than 20 years.

However, your confidence in this trick seems to be diminished; and I conceive this to be the case, because I know, by what relates to myself, that there is not a single syllable attributed to the person in contumacy which is not a lie, and this is assuredly the fact, too, with regard to others. Thus it is that there is so much nonsense in these different proposals, so many evident marks of falsehood and imposition, so many strange descriptions of men's persons, so many palpable contradictions! To palliate so many embarrassing absurdities, it is idly proposed to substitute the son for the father—a substitution of which the idea is taken from a



fable of La Fontaine. The effort is produced. The invention of persons in contumacy is rendered incapable of credit. Persons in contumacy, Monsieur le Procureur-General, are instruments which have now become quite hacknied. All France knows that the cardinal point of every indictment for conspiracy is formed by some person or other, who is in contumacy.

Such being the case, it becomes necessary to abandon the list of the Provisional Government, because it criminate nobody—and the letter written at La Sarthe, because it was never written—and the depositions of such of the witnesses as were intractable, and such of the accused as were conscientious, because they only declare what they know—and even the declarations of the person in contumacy, more manageable, however, than all the rest; owing to his absence, every thing can be made of them, that the prosecutor may desire. What part is then left for you to take M. le Procureur-General? To search in the distance of past time for that which cannot be found in the clearness of the present.

Thus, what is it on which you insist in your speech of the 5th? On charges quite new, and totally unconnected with the pretended Provisional Government, with the suppositions letter, with the suborned depositions, or with the proposals put into the mouth of the person in contumacy. The charge made against M. Laffitte; for example, is the gold deposited in his hands, with which you swear (for you are ever swearing) he organizes and keeps in pay bands of conspirators. The charge against myself is a journey to Saumur in October, 1820—a journey which you connect with events that took place in February, 1822.

I leave to my honourable colleague, to repel an attack of which all France knows the falsehood, since all France knows the firm and courageous integrity with which M. Laffitte has conducted himself on the two occasions in which he was made by turns the depositary of the wealth of misfortune and of exile.

I proceed to address you upon what relates to myself.

I shall first of all quote your own words :

After repeating some expressions of other deputies, and after making a merit of not characterizing those expressions by any other term than that of imprudences, you proceed as follow :—

“Is there not, however, against them (my colleagues and me) what I have ventured to call a crowd of imprudences?”

“The town of Saumur was tranquil; its inhabitants lived happily, and in obedience to the laws. Caffé, an experienced physician, the father of an amiable family, exercised his profession in peace. M. B. Constant arrives within the walls of that town. What is that you are told by the Mayor, the Commissary of Police; in short, by all the paternal and administrative authorities? Scarcely has that man arrived, before discord shakes her torch, and a revolutionary phrensy seizes a portion of the inhabitants. In the space of six months, three conspiracies are hatched in that town, and Caffé is placed on the bench of the accused;” and further on, you repeat the phrase “that this culprit lived happily till the day when I came to Saumur to seduce him.”

In all these expressions, Sir, there is with regard to the facts, the most downright falsehood; in the last of them there is an imputation to which I will not give any title. When I shall have established the truth, sure I am, that France will give it the title it deserves, and therefore I leave it to her to affix to it the proper epithet. Let us now examine your words once more, M. le Procureur-General. “What is it that you are told by the Mayor?” is your question, and your answer—“Scarcely has that man arrived, before discord shakes her torch, and a revolutionary phrensy seizes a portion of the inhabitants.”

You are unfortunate in your proofs, M. le Procureur-General. You quote the Mayor of Saumur; and it is from the Mayor of Saumur that I now hold in my hand a letter in which he does justice to my conduct, and marks out the real authors of the disturbances, which you are now endeavouring to attribute to me.

“Sir,” writes this Mayor to me on the 8th of October 1820, at 11 o'clock at night—“I am very sorry to find myself compelled to write to you on the troubles which have taken place during the last two days in our town; I take pleasure in acknowledging that your conduct and that of the individuals with whom you lived, have not given rise to them in any degree. But you know that insulting and provoking cries, which we attribute to the folly of some young men belonging to the school of Equitation, were set up yesterday evening underneath your windows, &c.

(Signed) “The Mayor of Saumur, N. H. MAYAUD.”

The remainder of the letter refers to a banquet, which was to take place the next day.

Thus the Mayor of Saumur declares, that nothing in my conduct, or in that of the individuals with whom I lodged, gave rise to the riots which then took place. He does more than this—he points out the real authors of these riots. He proves that these riots were directed against

me, and were commenced by insulting language and provoking cries set up under my windows. He bears witness, that these riots commenced the very evening of my arrival, before I had seen who there was in Saumur; in point of fact, I had arrived there at three or four o'clock; I had not gone out; and when the cries were set up, I was at dinner with my hosts and some other persons, among whom were some of the magistrates of the town.

This is the testimony of the Mayor of Saumur; and you, M. le Procureur-General, you dare to assert that I was the author of those riots, which were directed against myself: I repeat the expression of those riots, to which the paternal and administrative authorities, to use your own expressions, has solemnly declared that I was a perfect stranger. You call these riots revolutionary; and the Mayor testifies that the authors of these riots were young men distinguished, as you well know, for their anti-revolutionary spirit and prejudices.

Will you say, that in speaking of the Mayor of Saumur, you have not spoken of the mayor of 1820, but of the individual now holding that office? But at that time this latter gentleman was not one of the paternal and administrative authorities. Why have you given him that designation? To give additional weight to his declarations? Is not this to deceive justice and to outrage truth?

But let us see what the present Mayor has said. I should be astonished if his words were to justify your assertions; for he has always been represented to me as a very praise-worthy character.

He has said, that he learnt from the Commissary of Police, that before my presence at Saumur, M. Caffé never interfered with political matters. I take the version of the *MONITEUR*, that I may not be exposed to any contradiction on your part, though there is good reason for thinking it not very accurate, since the *MONITEUR* has mutilated, in the face of all France, the defence of the principal person accused in this indictment. If I were to borrow the version of journals which I think more faithful to the truth, the Mayor of Saumur would say, that up to the period of my arrival, M. Caffé had never been the object of the surveillance of the police, which is a very different thing; for the Police, we all know, watches—ay, and does more than watch men of irreproachable character; but I adopt the official words and the analysis of the trial approved by yourself. It is then, from the Commissary of Police that the Mayor declares, that he learned that M. Caffé never interfered with political matters before my arrival; it is from the Commissary of Police that he learns what he adds, if indeed he has added it—which I very much doubt, seeing that no official journal reports that phrase—that it is from that epoch that we are to date all that is charged against him: the paternal and administrative authority is found, then, to be limited to the Police alone. Question after question is asked, as to whether after my arrival M. Caffé pursued a different line of conduct? The Mayor of Saumur answers, according to the text of the *MONITEUR*—“That point can scarcely fall within my knowledge. I have only been Mayor since last October.” (You know, then, that he was not Mayor at the time of my passing through the town.) “Before that period,” he continues, “I spent six months of the year in Paris, and the other six in the country.” This, Sir, is all that the Mayor of Saumur has said, according to the *MONITEUR*. So that it is not his own opinion that he gives, but that of a Commissary of Police and in the opinion of that Commissary of Police, there is nothing like that which you attribute to him. He does not point me out as the author of the riots at Saumur, and in reply to the question relative to the change in M. Caffé since my journey, the Mayor replies, by stating how impossible it is for him to form any judgment upon that point, owing to his residence at Paris and in the country.

Thus, M. le Procureur-General, in defiance of the most plain facts and the most positive declarations, you heap false assertions upon each other. You quote the Mayor of Saumur without mentioning any date, the Mayor of 1820 has not been examined, and the Mayor of 1822, has not said a word like those which you have placed in his mouth. I wish to refrain from using any injurious expression; but tell me what language I ought to use in condemnation of such conduct?

Yes, M. le Procureur-General, there were riots at Saumur on the occasion of my arrival; and are you acquainted with the cause of them? It is to be found in the excitation, which certain men had created in the minds of some striplings by the calumnies which they were perpetually uttering against the real friends of the constitutional monarchy—it is to be found in the conviction, which insinuations and assertions like yours had produced in some mad youths, that I was the enemy of the constitutional King, whom I respect, and of the charter, which I defend. They thought, in the effervescence and credulity of their age, that they were performing a meritorious action, in announcing that they were ready to commit upon me any culpable and illegal outrage.

Yes, M. le Procureur-General, there were riots at Saumur, and there will unfortunately be riots—sometimes on one point and sometimes on another—so long as it shall be the custom to point out as factious

individuals the defenders of the liberty promised, and the order established, by the King himself—as long as it shall be the custom to take advantage of the inexperience and party-spirit of our young soldiery in order to present to them as guilty wretches whom they ought to strike down, the best citizens, the most sincere friends of that constitution upon which rests the security and the tranquility of France. There will be riots, and the real culprits will not be the young madmen who deem themselves authorized to excite those riots in profaning the cry of “*Vive le Roi*.” The real culprits will be the men who shall have sown absurd suspicions, idle alarms, violent enmities against those whom their lying denunciations depict as conspirators. Legal processes, like that which you have just conducted, M. le Procureur, are the sure causes of mistrust, riot, and frenzy; and if one of the individuals accused by you—and accused, on your own confession, without satisfactory proof—were to be assassinated in any town of France by frantic creatures, excited by your speech, that speech would have served as the tocsin of murder, and the blood shed by assassins would rest on your head alone.

You continue, after this narrative, full of assertions which I have shown to be false: you set out with these false assertions to arrive at a conclusion which you had previously fixed upon. “He lived happy,” you say of one of the prisoners; “he lived happy till the day when B. Constant arrived to seduce him.”

This prisoner, whose moral qualities, whose amiable character, whose virtue and benevolence have wrung eulogiums even from you—this prisoner, examined and cross-examined by you against me like all the prisoners and all the witnesses, has declared to you that he never saw me but once, and that in the street, in the midst of an immense crowd.

When and where, then, have I seduced him? Where have I seen him? When have I spoken to him? An assertion as positive as yours demands proofs; and if there be no proofs, I ask of you again what term of reprobation he deserves who has condescended to make use of such an assertion?

There is not, you say, legal proof; but there is moral proof. I would gladly learn what you call moral proof. I have read all your indictment, all your argument on the trial, and all the summing up which crowns your work. And what have I found in it? Facts, which you have stated to exist without showing the slightest shadow of their existence;—names, which you have been perpetually repeating, without being able to make either the accused whose hopes you awakened, or the witnesses whose fears you excited, repeat them as you wished;—stories of persons in contumacy, the only revealers of pretended mysteries which their absence left you at liberty to explain as you liked;—rumours taken from libels the most scandalous, and with which the ear of justice had not yet been polluted. This is what you call moral proof: peruse again the treatises on the law regarding suspected persons, and the report upon the revolutionary government: the invention of what you call moral proof is not a merit that belongs to you.

I have replied to your allegations, and I have shown them all to be false.

You said that I was the cause of the riots at Saumur, and cited the Mayor of that town to prove it. I have proved to you by the letter of the Mayor himself, that so far from being the cause of the riots, I was the person against whom they were directed.

You called those riots revolutionary. I have proved to you that they were the effect of strong anti-revolutionary excitation.

You said that I had seduced a man, in whose eulogium his reputation and his misfortunes make it a duty in me to join. That estimable individual, who is on that very account worthy of credit, told you that he never saw me but once, and then in the streets.

Thus all your scaffolding has given way; this new engine, which has been set at work against me, has entirely failed, and in point of fact—you have not had leisure to combine skilfully my journey through Saumur in October 1820, with an attempt made in February 1822. Time failed you; you reckoned upon something else; I have told you what it was upon which you reckoned; you were too late, and in despair of your cause; you made use of your last weapon.

But that last weapon, the Mayor of Saumur whom you invoked, and the prisoner to whose moral character you pay respect, have broken to pieces in your hands. Now, M. le Procureur-General, allow me to ask what advantage you can expect to accrue to the King, France, and even to yourself, from the dreadful system which you are adopting—from that violence in the exercise of functions which require above every thing calmness and impartiality—from that thirst of vengeance which your slightest expressions betrayed—from those movements which your panegyrics call oratorical, and which discover an effervescence of passion ill-suited to the character of a magistrate.

In point of fact, when you declare that you are not competent to accuse us—(a strange declaration to be made *en passant*, when all the

rest of your speech is a thundering accusation)—and that you express in writing a wish that you were so (*Oh si je l'étais*)—I ask of you, what is the meaning of such an exclamation, if it be not the expression of impatient regret that you cannot hurl destruction according to your wish upon a sufficiently large number of heads? If you had been competent, what would you have done? Surely, you would not accuse us with much greater impetuosity than that which you have already displayed. Such is your ardour, that incompetent as you declare yourself to be, you usurp the functions of an accuser. What, then, are those of which you regret the want? I wish not to name them. All who have read that famous exclamation, name them in terms sufficiently strong; and it is in your hands that is placed the formidable power of accusing, denouncing, and pursuing to destruction. A blind zeal has from the first misled you in this deplorable career. A furious resentment has conducted you from excess to excess. You are offended at the censure which the deputies cast on your inexcusable conduct. You have not considered who were the deputies. You have not reflected that none of those who proposed to summon you to the bar were among the number of the individuals attacked by you. The feeling of our dignity taught us to be silent. The men who called for your impeachment were disinterested as to the question. France is accustomed to admire their talent, to reverse their character, to approve their moderation. The names of MM. Royer Collard, St. Aulaire, and Tripiér, command respect and confidence; and yet, in speaking of such men, wounded vanity dictated to you this language—“The accusations which some men have dared to direct against us.” Have dared! Monsieur le Procureur-General, what delirium has seized you? What a gratuitous insult to the representative power with which the King himself has been pleased to divide the right of fixing the destinies of France? Have dared! What! The deputies have the right of accusing the Ministers, and when 127 of their number propose to exercise the same right against you, does their insolence astonish you? What the President of the Council would not say, for the President respects the authority of the Chamber—what the Keeper of the Seals, your chief, would not say, for he knows our constitutional rights—you, the Procureur-General, the creature of the Ministers, holding an office revocable at their pleasure, have the hardihood to say.

Such a degree of extravagance has, in one respect, claims to a kind of indulgence. A man so carried away by passion cannot be regarded as perfectly responsible for his acts. But I pity the accused who have adversaries, and the Monarchy which has instruments, such as you!

Deceive not, M. le Procureur-General, either yourself or those who walk in the same path with you. France abhors your warmth, and shudders with horror at your doctrines.

She shudders with horror at those moral proofs which dispense with legal proofs, and which were employed as instruments of destruction in every proscription of the Revolution. It was by moral proofs, in defect of legal ones, that the massacres of 1793 were perpetrated. France shudders with horror at the very thought of extorted depositions to obtain the names of those whose safety Government wishes to compromise, and of the pursuit and incarceration of witnesses who give testimony different to what is commanded them. France views with abhorrence those threats to advocates who are censured for taking down the terms of declarations made in their presence, and who are only permitted to continue their tutelary functions under the cruel prospect of suspension and ruin.

France shudders with horror at those attacks which have been made on the law of defence—at that limitation of three days for the defence of forty accused, with the declaration not that half a day more could be granted them. Thus the defenders are placed on the bed of Procrustes; especially if, after the term is once arbitrarily fixed, six hours more cannot be given them, even though the lives of those they defend may be depending upon the mere explanation of a single point more.

I check myself, M. le Procureur-General. Reflections are crowding from every side around me. But in whatever manner I might give them expression, they would not be felt by you; and I have no occasion to give it them in order to render them felt by the whole of France.

You attacked me. In answering you, I have only made use of a right I possess. In making use of that right, I have fulfilled a duty. I have shown how you wished to surround my character by odious suspicions and by perfidious accusations. Men will judge from what you have attempted against me, of what you are capable of having done against others.

I having explained myself with freedom, without transgressing the limits of the most legitimate defence. I have done my duty in repelling a gratuitous aggression, and have been able to do it without attacking the magistracy—for you have declared yourself to be incompetent. You have, then, spoken without authority. It is to the individual without authority, according to his own avowal, that I have replied.

Paris, Sept. 1822. (Signed) BENJ. CONSTANT, Dep. of La Sarthe.



# ASIATIC DEPARTMENT.

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## Geometrical Cotton Press.

*To the Editor of the Journal.*

SIR,

I was glad to observe in your Paper of the 25th ultimo, an account of the Geometrical Cotton Press erected at Bombay. I had long anticipated a description of that Machine, and am happy to perceive one signed by practical men.

The power of the above Press is much under what the Bombay Editor announced it to be in his Paper of July 1818; he then stated it to be 2000 to one, whereas the Engineer's Report makes it only 1500 to one: this however may have been an error, and I have no wish to depreciate the Invention, which is a work of merit.

Much about the time in which the first trial of the Geometrical Press was made at Bombay, I had completed a large working model of a Cotton Press of my own Invention, which answered every expectation; and had the Cotton Trade continued to prosper, it was my intention to engage to Screw it for any Merchant at one half the present price.

The power of my latest improved machine being 1600 to one, and the expence of its erection considerably less than that of the Geometrical Press, gives it at least a claim to superiority in that respect; laying aside the simplicity of its construction, the improvement of which has occupied my leisure hours for upwards of 7 years, and its first trial was announced in the INDIA GAZETTE of 1818, this took place at Barrelly in the presence of a professional Engineer and several other Gentlemen of scientific knowledge.

A copy of the original communication I beg to forward, and will thank you to give it a place in your JOURNAL.

Your most obedient Servant,

Lucknow, March 18, 1823.

MECHANICUS.

(COPY.)

*To the Editor of the India Gazette.*

SIR,

The Bombay Paper of July last congratulates the commercial body on the completion of a Geometrical Cotton Press, which on repeated trials, was found to unite all that is desirable, and all that has been so long sought for, viz. The diminution of labour and expence; and after noticing the extraordinary power of the Machine, &c. goes on to state, that the labour is diminished in the ratio of 20 to 50, and the time of pressing reduced more than one half, by uniting the re-packing and final pressing in one process. Without wishing to detract from the great merits of the Geometrical Press, it may perhaps be equally a matter of congratulation to the Commercial Readers of your Paper, to be informed, that we are not behind the Bombay project for screwing Cotton, and that a year ago, a model of a very simple Machine for this purpose  $\frac{1}{2}$  of the full size, was completed by me at this Station, which on repeated trials has been found to answer so well, that a large Machine is now constructing from the model, the power of which diminishes the labour in the ratio of 2 to 1, and the time of pressing is at least two thirds reduced. As practice, however, differs often so widely from theory in mechanical operations, until the scheme is tried and approved of, it would be at present needless to say more than that it promises to possess a manifest advantage over the Geometrical Press; and as the Bombay Editor has promised at a future period a more detailed account of the Press, in a Review he proposes taking of the packing of Cotton on that side of India, I shall refrain from entering more fully into the merits of both contrivances, until I peruse the Review in question. It may however be necessary to add, that my improvement chiefly consists in the application of a compound power to the effect of the common screw at present in use, whether iron or wood, and the machine may be worked either by men, horses, or bullocks.

I am, Sir, Your most obedient Servant,

Barrelly, Rohilcund, Sept. 18, 1818.

(Signed) J. M. S.

## Gaieties at Lucknow.

*To the Editor of the Journal.*

SIR,

Allow me in the columns of your Paper, to advert to a letter signed D. R. received yesterday at this place, and which appeared in the JOURNAL of the 10th instant, headed "GAITIES AT LUCKNOW." I shall first notice D. R.'s egregious mistake in saying, that any part of the Entertainment consisted of a Masked Ball: one Domino it is true appeared, though scarcely for a moment, for which reason this witty and facetious scribbler dubs it a Masked Ball!! What he says, also in the innocence of his heart, of the party figuring chiefly as ALSATINUS (ALSATIANS I rather think he means—vide NIGEL) could only have found a place in a perverted imagination. I must further remark, that the writer subjects himself to a charge of being actuated by a hostile feeling, by placing a toast between two others in Italics, thus invidiously endeavouring to draw attention to that circumstance. I shall only say, that he who gave Mr. Buckingham, did it in the conviviality of the moment when the bottle was freely passing, and that knowing him intimately, I am persuaded he is as loyal and faithful a servant, at least, as Master D. R. From the many other errors in the letter, I am strongly induced to believe, that this would-be Somebody, was not at the party; and consequently knew nothing, except by report, of the "delicacy of the viands, or of the frank hospitality of the host" whose party instead of 70, did not I believe consist of more than half that number; it so many. I forgot also to remark, that the Press was not coupled with Mr. Buckingham, nor given at all. I now take my leave of D. R. and recommend him the next time he takes up his pen to write somewhat more orthodox.

Lucknow, March 19, 1823.

ONE OF THE PARTY.

## Application for important Information.

*To the Editor of the Journal.*

SIR,

Among the General Orders published in your JOURNAL of the 7th ultimo, there is a Regulation, under date 31st January, stating, that in conformity with Instructions recently received from the Court of Directors, "no Officer will henceforward be appointed to fill any Situation on the General Staff of the Army who shall not have served four years, three of which in the actual performance of Regimental or Staff Duty with a Corps." Of this very proper Regulation, no modification whatever has been publicly notified; but as the very first nomination to the General Staff since its promulgation, is that of an Officer (Lieut. T. F.) who has never once joined his Regiment, nor done duty with any other Corps except for a few (eight or nine) months at Barrackpore upon his first arrival in the country, it is obvious that under particular circumstances, at present not generally known, the qualification required by the Regulation in question may be dispensed with.

Now, Sir, as some hundreds of your Juvenile Military Friends, have not performed Regimental Duty for so long a period as three years, a knowledge of the particular circumstances just adverted to, must be of very great importance to them. I therefore trust that some Correspondent of the JOURNAL who may be in possession of the secret, will kindly let them know how they may obtain a Cocked Hat and the honours and emoluments attached thereto, without being subjected to the severities of Regimental Discipline until they have had time to acquire a competent knowledge of the most essential duties of a Soldier.

As it is probable that the worshippers of Ignorance and Folly will attribute improper motives to me, I beg leave to declare, that I have been induced to trouble you with this, solely from a desire to elicit information which materially interests, and ought to be known by, every aspiring

YOUNG OFFICER.

### A Sub on the New Road.

SIR,

To the Editor of the Journal.

In your JOURNAL of Saturday last, I observed a Letter in the Asiatic Department, under the signature of "A SUB," and dated from the New Road.

The above signature, (though unintentional on the part of the writer), might naturally lead your Readers to believe, that its author is a Subaltern Officer, employed in the construction of the New Road. Your Correspondent, therefore, in justice to all, ought to mention what "New Road" he dates his letter from; as from my signature below, he will observe, that had such a Letter been written from this Road, it could at once be traced to its source with the greatest ease.

I am, Sir, Your's, &c.

"The only Sub" employed on the Nagpore  
New Road, East of the Mahanuddee.

Camp, March 24.

Note.—We are happy to be able to ease the mind of our Correspondent, by assuring him that another "New Road" is meant.—ED.

### Native Holidays.

SIR,

To the Editor of the Journal.

I beg leave to make a few remarks upon the letter of the OBSERVER, which appeared in the HURKARU of this morning, concerning "NATIVE HOLIDAYS." I do not mean to make opposition to Reform and Innovation, but simply to put the question on fairer grounds.

In the first place, I sincerely wish, that all the Eastern millions under British sway were Christians; but this is a consummation for which we must wait some time longer. Christians have six days to work, but on the seventh they are to cease from labour. This is an injunction about which the OBSERVER will not cavil. I know that the Hindoos will work on Sundays, because I have sometimes been constrained, much against my inclination, to require their attendance on the Sabbath, and to attend myself; indeed, they can have no just grounds for refusal. But in very few instances can Hindoos employed in Agency, or in Government Offices, apply themselves to work without the presence and superintendence of their Christian superiors, who are forbidden to labour on the Sabbath in worldly avocations.

If Hindoos can work satisfactorily on Sundays, (not being Hindoo holidays) without the presence of their Christian masters, and should refuse to do so, then would there be some colour of justice in deducting pay for those days from their wages. In general, however, it may be concluded, that Hindoos do not work on Sundays, only because their superiors are, on those days, engaged in higher duties, requiring that they should dispense with the labour of their Native servants in Office: consequently it would be unjust to post the fifty-two Sundays in the year under the head of Native Idleness; and oppressive to deprive them of their pay for those days.

The Christian dispensation gives Fifty two days of rest, in the course of the year, to its followers; and Europeans have "two or three" other days of relaxation; but according to the list given by the OBSERVER which appears to be correct, the Hindoos (this comparison is merely numerical) have only thirty two holidays annually. Last year, six of these happened on Sundays;—in the present year one on Good Friday and three on Sundays: the average may be fairly assumed at Five, one year with another, if not more. Fifty two and five make fifty-seven, so that a balance of twenty-seven days only remains out of the eighty-four, which the OBSERVER would place to the debit of the Hindoos. But with as little show of justice, I think, could Hindoos be "mulcted" for absence on their Holidays, as Christians for non-attendance at office on Sundays.

It is certainly inconvenient that Hindoo holidays should fall, sometimes, on two, three, or more days in succession; at those who choose to live at Rome, must, in some degree at

least, put up with the habits and customs of the Romans. It rests with Government, great Agents, &c. to discharge all Hindoos, of course, and to employ none but Christian servants and Assistants, if they please, and if they imagine that plan would answer better, or as well.

March 31, 1823.

JOHN LEDGER R.

### Superintending Surgeons.

Non est jocus esse malignum.—HORACE.

SIR,

To the Editor of the Journal.

The person wishing to evade the duty of Superintending Surgeon, was so well known to all the Medical Service, and indeed to all the world, (for he himself talked of it and his friends too, many months ago,) that nothing said by me could have made his name or the wish entertained more public.

It was CANDIDUS who in the wisdom of his own conceit having thought it impossible any man should wish for information on a disputed point, unless he were greatly interested in its refutation, pounced upon me as a gentleman looking out for the Appointments and Practice of the Medical Officer next for Promotion!!!

Now be it known to CANDIDUS, that is SIDROPHEL, according to his own logic;—for as both write nonsense and wish to mislead their Readers by introducing a set of musty Rules and Regulations about Rank and Staff Appointments, which some Writers have too good-naturedly taken the trouble to refute, they must be one and the same. Be it known, I say, should the Commander-in-Chief object to this monstrous request, (which if seriously intended to be made, will evince a desire to evade a regular tour of duty) that its refusal will make no difference in regard to the prospects of any Gentleman in Calcutta; for it has always been declared by the other party, that nothing should tempt him to quit it.

By the bye, if he were, as I maintain he ought to be, obliged either to take promotion or give up all claims to it, like every other Surgeon, Dr Campbell excepted ET EXCEPTIO PROBAT REGULAM, he might then be relieved from all Appointments not strictly Military. SIDROPHEL and his friend CANDIDUS had better have allowed the Queries to have remained unreplyed to.

The right maintained has been fully disproved, and every man knows the point cannot be carried without changing the usage and doing great injury to the public Service.

Your's obediently,

GRYPHIUS PES.

### Remarks on Sidrophel.

HOMINIS EST ERRARI, INSIPIENTIS VERO PERSEVERARE.

SIR,

To the Editor of the Journal.

SIDROPHEL with little wit, and less wisdom, has deprecated, if not the playful style, the severer satire of his friend RALPHO; and fancying the subject an interdicted one, after the publication of the General Orders, he has sent forth his crudities, and courts that notice which he thinks you dare not print if any such should be taken of his Letter. There is no legal restriction upon remarks, if confined to the question, on the public acts of the Government; but of this hereafter. Let me observe now, that an impertinent noise has been made by this scribbler; which for the sake of justice should be noticed. It regards PERSONALITIES. Let us hear the great Colossus of all Literature upon this subject. "Nothing relevant to the matter in dispute, says Dr. Johnson, can be called personal, when the argument would be incomplete without it." It was of an improper claim declared by the first authority, and on the most unexceptionable grounds, (as being in its operation prejudicial to the Public Interests,) so to be, that GRYPHIUS PES, if I remember, used the term monstrous.\* I

\* If I be not in error, SIDROPHEL has much to answer for.—Suggestio Falsa.



can easily imagine the man about to set up a claim so designated, feeling the epithet *PERSONAL*; and I can imagine him to feel that also as *personal*, which applies to the act in question, a desire to evade the regular accustomed tour of a troublesome, invidious, and, in some cases, worse paid duty. But will any man of sense call it so? No; therefore let every man avoid the act which may be reproachable; and he will escape reproach.

Now, Sir, this *SIDROPHEL* and his *CRONY CANDIDUS*, are irrelevantly personal and peronal, by implication; whence injustice is done, confusion introduced, and the argument pushed aside by it.

It was not the personal interests of Dr. A. or Dr. B. the public had to do with, but with the usages and regulation in the case, and its effect when argued on public grounds; or, how the claim if allowed would effect the public service.

We have to learn why the Superintending Surgeon on the list has been passed over, for no reason has appeared in General Orders; therefore the point has not as yet been settled by Government.

Barrackpore.

Q. E. D.

### Remuneration to Physicians.

"Those who receive the labours of Professional Men, and repay the unappreciable value of their services with ingratitude; have something worse to answer for than mere ignorance or meanness of Spirit."

—DR. JOHNSON.

To the Editor of the Journal.

SIR,

All general assertions are objectionable, and if the letter of *DEMETRIUS DRASTIC* be one of that nature, (which I conclude it is from the phillippic of *AN OBSERVER*.) I shall take his own word for it, that *DEMETRIUS* is a leige subject of *Gudhapore*. *AN OBSERVER* is wrong, however, in supposing that Surgeons are, in most cases, sufficiently remunerated. True, in some instances they are; and all their kind and soothing attentions, in the hours of sickness, remembered long after; nay, even late in life, are NOT FORGOTTEN: but in many instances, they are not even thanked or remunerated at all; and, I once heard it said by a Medical Gentleman who made a large fortune, too, by his practice, that it was by the few, who paid him well, HE HAD DONE; so that many NEVER paid him; and others at a rate so mean as to be far below what was given for a weekly lesson in music, or to the tuner of their Pianofortes! Only those who have done this evil, will be offended.

The practice out of Calcutta, can never be an object of importance to any Medical Gentleman in the Honorable Company's Service; and that such are not always liberally remunerated for their skill, attention and time, references to Government have proved, and private anecdotes confirmed. In the Army I do not believe, but I speak under correction, that you will find it is customary to offer fees; or, if offered, to accept them: unless at *MILITARY Stations*, and then only are they taken from Officers holding Staff Appointments, and who therefrom may be considered well able to afford the price of professional attendance, labour and skill. There may be exceptions: but, Sir, it was not at all adverted to in a conversation occasioned by the *OBSERVER*'s letter of to-day, and which has made me write, that the spare time of a professional man is very dear to him.

He is the only Servant of the Government, or the Public, who cannot say such and such hours are my own. He cannot employ, like other men, the spare time his official duties might give, either for his own advantage, or spend it in literary leisure, nor dissipate it at his will in folly or amusement. No: he is liable to constant interruptions: even the sacred hours of sleep are not his; and the *OBSERVER*, who has taken up his pen in order to undervalue the labours of what is justly considered to be a useful, learned, and honorable body of men, surely has never felt the comfort of seeing a beloved object saved, through God's mercy, by his Physician's ability; or if so, has never rewarded him for it. He might have paid him. I have laid it down as certain, whenever I hear persons speak ill of those who have been their comforts in the hour of sickness, that neither *LIBER-*

*ALITY* nor *GRATITUDE* are inmates of their bosoms. Out upon this, "I don't think Dr. A. clever, nor Dr. B. sufficiently attentive."

In a word, I never heard a person who paid his Medical Attendants according to his abilities, ever complain of the tax on his purse. On the contrary, those who have complained, I have always noted as narrow-minded beings, who thought professional men were not to be paid for their learning and skill, but for the actual labor they performed. Let me recommend such beings to the study of Adam Smith, and I'll dismiss them with an anecdote of their superior: Robin Dickens when he went to London, had his tooth drawn; for which the Surgeon, who did it *DEXTEROUSLY*, charged the clown 2s. 6d. "Dang it, (says Robin;) why our Master Barber have led me all round his shop and didn't charge me but sixpence!" "Did he take out the Tooth?" said the Surgeon, "Why, no" says Robin, "he did not do that;" and looking somewhat wise, shook the Surgeon heartily by the hand and paid him the money. That the *OBSERVER* may grow as wise, is the earnest prayer of a friend to the learned Professions.

Your's,

O. B.—

Dum-Dum.

### Change of Opinion.

NON HOC ISTA SIBI TEMPUS SPECTACULA POSSIT.—Virg.

To the Editor of the Journal.

SIR,

I attended to the arguments advanced to-day, adverse to the legality and moral operation of that important Law, now about to be registered in this interesting country: and with the suspicion of a man, solicitous for the maintenance of public and private order, patiently did I await the decision of the learned Judge.—To a volume of arguments, poured forth with an enthusiasm, that made me admire the power of eloquence, and that happy citation of authorities in favor of its object, I was not indebted for a change of my political opinions; but when I found so little could be advanced in favor of a measure, I had been habituated to contemplate as necessary, I returned to my house depressed at the result to which I had looked forward as the completion of my fondest hopes.

It never occurred to me, that it would be necessary to tell every Briton in Calcutta, he had not the liberties of an Englishman, until he could cite proof, that by law enacted, he absolutely possessed this birth-right inheritance. And, moreover, to tell him, that, before the Natives of India could have a free Constitution, that is, were in Parliament represented, neither themselves, nor Englishmen sojourners amongst them, could be entitled to the blessings of a Free Press. I did not, indeed, anticipate the necessity for declaring such doctrines, much less advancing them as arguments in favor of a Law, which I hoped to have heard better advocated and maintained. I have thought myself, until now, protected in my Civil and Religious rights by the power of the Supreme Court; granted, as I imagined it, to have been for that purpose to every British Subject, residing within its rule. Never did I expect to hear the Supreme Government of this country, lauded for its purity of action, in proof that there was reason for subjecting the Press to a control; for, in my opinion, it could only be deemed necessary, when its actions were the reverse.

I, Sir, as an individual, considered the imperfections of our nature, as not confined to the governed. On that account I deemed it possible for men in high stations, bodies collective, and the Supreme Government itself, sometimes to be guilty of errors accidental;—sometimes errors intentional;—oftentimes to be misled by interested and dishonest persons in official situations; and not infrequently by their passions, prejudices, and by less reprehensible, perhaps, (for they are not infrequently amiable,) affections, to be seduced from the purer paths of public virtue—when it is the right of Englishmen, if any public character is seen to stray, in measured language to animadvert and reprehend. Yet, with such impressions, I did not think it unadvisable in this country, to restrict the freedom of the Press; and I looked for-

ward to arguments in defence of such a measure, as would have satisfied myself of its necessity, and that of every other unprejudiced and rational individual I should meet. But, I have been disappointed. I cannot see how the Law, which imposes restrictions of any kind, that licenses, the practice or exercise of any profession, trade, or calling, unless that license also can be taken away by the legislative at its own will, can be held, as an argument in favor of a law of license, which holds within itself such powers.

My opinions are changed.—I see plainly, that every man should be made legally answerable for his actions, of whatsoever kind or nature these may be; that Newspapers, which convey the sentiments of others, should be made amenable to Law, for every abuse they may give birth to: but I shall now again believe that a gag should be put on the mouth of the public.

When the power of the lawful Courts may be found insufficient to restrain abuses of the Press, or when the Court intermissions are long, and the parties traverse in order to prolong the period of their crimes or misdemeanours; then would be the time, and wise would it be in any Government, to check the evil by a summary but restricted law: and how indeed must be the estimation in which that Government is held, when all the respectable and rational subjects of its dominion, concurred not in the measure.

That this Government ever meant to put aside the application of any of the present Editors, not any man in Calcutta surmised;—that the Government is not free from prejudice, against those whom they have considered so much their enemies, as to warrant the law proposed,—common sense must allow. Therefore, let every man endowed with that gift—that great and honorable blessing,—or he, who is the most free from party-feelings and all prejudice, tell us, whether the granting of a licence under such circumstances, or the withholding of it, would be the greatest favour.

An Appeal was spoken of.—I regret its necessity.

Tu ne cede malis; sed contra audentior ito.  
Quam tua te Fortuna sinit. —VIRGIL.

O. N. O.

### Selections.

**Bombay, March 15, 1823.**—H. M. S. ALLIGATOR, from Portsmouth the 22d September, and the Cape of Good Hope the 22d December, anchored in the harbour on Thursday morning; and on Wednesday evening, the long-looked-for TRIUMPH, Captain Crosley (from England the 25th September,) made her appearance also. Through other channels, we had been already put in possession of the local news up to the departure of these ships, but some articles of local interest have been extracted from private letters brought out by them.

Mr. John Curwin has been appointed Astronomer to the Honorable Company at Bombay, for the purpose of undertaking the superintendence of the Observatory which was some time since constructed in the South west Ravelin of the Fort.

Mr. William Lennox Cleland has been permitted to proceed to Bombay for the purpose of practising as a Barrister in the Recorder's Court.

**Earthquake.**—The occurrence of another convulsion of nature has been announced to us. The ALLIGATOR on her voyage from England experienced a severe shock, resembling that of an Earthquake, the following particulars of which have been extracted from her Log Book.

*Extract from the Log Book of His Majesty's Ship Alligator.*—Friday, January 31, 1823.—“At 2 h 55 m A. M. the Ship received a severe shock which continued for about 15 seconds; the sensation felt by some was as if a chain cable was running out in deep water, by others as if the ship was grinding hard on a Coral Reef, the deep sea lead was hove instantly and no soundings at 155 fms. almost every person in the ship awoke with the shock and ran on deck, some exclaiming the ship is on shore, others it is an Earthquake. The rate the ship was going, was between 2 and 3 knots, and very smooth water.

The bearings of Diego Garcia, (one of the Chagos Islands,) N. 78 E. 312 miles Latitude 5° 00 South. Longitude 67° 00 East.”

The Hon'ble Sir Anthony Baile, embarked yesterday, on board the CARRON for Calcutta, under the salute due to his rank.

A Pilot Vessel, intended for the use of this harbour, has been built at Mazagon, and was launched on the 27th February under the appropriate name of PALINURUS: a designation highly creditable to the classical acumen of the Marine.—*Bombay Courier.*

**Madras, March 18, 1823.**—The Ships FLORA, Captain Sheriff, and FRANKLIN, Captain Garven, from Calcutta, with the Schooner HIGHLAND LASS from the Northward, and Brig BUCEPHALUS from the West Coast of Sumatra, have arrived since our Report of Thursday.

**Passengers per Flora.**—Captain Gordon, Country Service, and Mr. Stevens, Mariner.

**Passengers per Franklin.**—Mr. Thomas Rodman, and Mr. I. Bacon, Super Cargo.

**Passengers per Highland Lass.**—Capt. Ellaway, and Mr. B. Derkey.

**Passenger per Bucephalus.**—Lieut. G. Grey, 11th Regiment N. I. Sailed since our last Report.

The PHOENIX, Captain Wetherall, and H. C. Ship MARCHIONESS OF ELY for England. The Ships MORNING STAR, ARGYLE, PORTSEA and SCOTIA for Calcutta; the Brig NORFOLK for the Eastward, the French Brig SCYTHE for the Isle of France, and the Ship UNION for the Southward.

**Passengers per Marchioness of Ely.**—H. Taylor, Esq. Misses E. Taylor, Henrietta Taylor, and V. Taylor.

**Passengers per Union.**—Messrs. Brue, Mahe, Masson, Tevenier, Guichard, Madame De-la-fave, two Children and Mlle Choix.

**Passengers per Portsea.**—Sir Wm. Rumbold, Bart. Sir Ralph Rice, Recorder of Penang, and Mr. Thomas Tosh.

**Passengers per Scotia.**—Major and Mrs. Smithwaite, and Mr. Gould for Vizagapatam; and Major Smith, Mrs. Smalley and Child, and the Rev. Mr. Wilson, for Masulipatam.

**Madras Lottery.**—Eight Day's Drawing. No. 3220, prize of 3,000 rupees. Nos. 1293, 1860, prizes of 500 rupees each. No. 2300, prize of 300 rupees.

**Ninth Day.**—No. 1951, prize of 20,000 rupees. No. 840, prize of 1,000 rupees. Nos. 2376, 4786, prizes of 500 rupees each. Nos. 374, 2413, 2446, prizes of 300 rupees each.

This was the last day of the Drawing, when the Lac of Rupees fell to No. 3330 the fiftieth drawn Ticket.

**Madras Hibernian Subscription.**—Total on the 7th March, 1823, 75 Guineas, and Rupees, 1,05,775 15 7.

**Madras, March 19.**—The next ostensible opportunity for the transmission of Letters to England is the AGINCOURT, originally advertised to sail on the 14th Proximo.—We hear that her departure is, from new arrangements, fixed for an earlier period—of this we shall gain certain intelligence, which we shall not fail to lay before our readers.

The Ship YORK was expected to complete her lading at Colombo on the 5th instant, and to sail in prosecution of her voyage to England on the evening of that day.—*Madras Govt. Gazette.*

**Twenty-ninth Calcutta Lottery.**—The 29th Calcutta Government Lottery, was sold at the Town Hall on Monday morning to RUGGHOORAM GOSAIN, at a premium of Sa. Rs. 76,600.

**Glazepore, March 25, 1823.**—His Majesty's 16th Lancers passed up, on the 16th instant, on their way, by water, to Cawnpore. There are about 99 of the 57th at present in Hospital. The Station is very healthy, and the hot winds are daily looked for.

**Note.**—The Gentleman who attempted to ride over the new Rope Bridge, erected on the Esplanade, and who is said, “to have broke a leg or arm, or both,” presents his compliments to the Editor of JOHN BULL, and has the pleasure to inform him, that he did not receive any injury whatever in attempting to pass over the Bridge, nor is “the real fact” as given in your Paper of this day quite correct, if it is meant to say that the Horse fell through the Bridge, for it was sufficiently strong to admit of a Troop of Horses to pass over. The real fact is, that the Gentleman in question rode a good way along the Bridge, from the South end, when he found that his Horse slipped on the Bamboos (which were laid across from one side to the other, and formed the floor of the Bridge.) and he accordingly dismounted, intending to lead his Horse over, but in the attempt the Horse still continued to slip, and shortly fell against the curtain or netting on the West side, from whence he was immediately extricated, by opening the fastenings which connected the net to the side of the Bridge, and he only suffered a few slight scratches against the end of the Bamboos which formed the floor of the Bridge.

Had there then been a little grass or Earth strewed over the smooth Bamboos, the Horse would have gone over with perfect safety; his fall having been merely occasioned by the morning dew having wetted, and made the slippery path more slippery. In conclusion the Gentleman cannot refrain from expressing his nobelief of “another Gentleman” having since rode over the Bridge, for had it been possible the Writer's bit of blood would have done the thing neatly.—*Calcutta, March 31, 1823.*—John Bull.



# ASIATIC DEPARTMENT.

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## New-Laws for the Press.

Being desirous that the Public both here and in England, should be put in possession of the most authentic account that can be obtained of what passed in the Supreme Court, on Monday last; we have couled the Reports given in two Cotemporary Papers; and shall shortly follow them with another: and as no labour will be spared to render the whole complete, we trust nothing will be left to be desired. The following are necessarily very imperfect from the haste with which they have been got up; but the first, which from the shortness of time, does much credit to the Reporter, will give a good general idea of the line of argument pursued.

In a matter of such importance, which will hereafter be discussed in the British Parliament, we hope our Readers will approve of our intention, to allow full time for our Report being made as ample and accurate as possible.

SUPREME COURT, CALCUTTA, MONDAY, MARCH 31, 1823.

Mr. FERGUSON reminded the Court, that this was the day fixed by His Lordship for a further hearing of the objections against the Rule of the Hon'ble the Governor General in Council.

Sir FRANCIS MACNAGHTEN said that he had not the least objection to hear the Learned Counsel or any other gentleman on the subject. He was happy to take this opportunity of observing that some blame had been imputed to him for the resolution he had come to on a former occasion as to granting leave for a Rule, but he thought the subject ought to be discussed before all the world, and that any man whether aggrieved by it or not, so long as he thought himself aggrieved, had a right to come in to the Court do so.

Mr. FERGUSON then said, that in furtherance of his instructions, he had to enter a protest against the Rule on the part of Mr. Scott and Mr. Read, and to the present a Petition on the subject from certain Native Inhabitants of Calcutta. This petition was then put in and read. It was signed by Ram Mohun Roy, and five or six other of the most respectable native inhabitants of Calcutta.

Mr. FERGUSON then proceeded to argue against the Rule of the Governor General, in a speech replete with eloquence, of which we regret that our limits will only permit us to give a mere outline. The Learned Counsel began by stating, that so convinced were the people of Calcutta of the injurious tendency of this Rule, that he was satisfied had they been aware of it, they would one and all have come forward to petition against it. The Learned Counsel insisted upon the right of every individual to petition against every thing affecting his right and interests, and observed that there could be no use in that part of the act which required that twenty days notice should be given, previous to the registry of any act, if that right did not exist. He then contended, that this was the most important measure that for the last century, or ever since British law had existed here, that had been brought before the Court. It professed to be for the purpose of regulating the periodical press, but if once a power were granted for this purpose, no one knows with what it may be followed up.—It may afterwards affect works not published periodically, and in the end entirely suppress every kind of publication that did not coincide with the precise views of the Government. The Learned Counsel here referred to the Preamble of the Rule, after which he continued nearly as follows: If the liberty of freely publishing his sentiments be the right of every individual, the Government must satisfy every one of the necessity of an infringement of that liberty. But is it necessary for the Government in this case to do as it has done? It is incumbent on them to show that the ordinary means are inefficient for the purpose of maintaining tranquillity, before they have recourse to extraordinary ones. Of this they ought to have satisfied the Court before they required the registry of an act so seriously affecting the liberty of the subject as the present.

If a Libel were published in a Newspaper, those who brought it before a Jury deserved the public applause. It has been said, that publications have found their way into the papers tending to bring dissatisfaction among the army, but if the public prosecutor had brought this matter before a Jury, he had no doubt but that the Jury would have done their duty according to the law established in the country. But transmission had been resolved on. Every means ought to have been tried before that dire one. Every man brought with him from England the right of trial by Jury, and a right to publish without any restraint, his sentiments upon any question.

The Learned Counsel observed, that it was not sufficient that it should be expedient to impose restrictions upon the Liberty of the Press, it was necessary also that they should be legal. In the present instance the power attempted to be exercised, was repugnant to the British Constitution, for the modesty, and the moderation of the Indian Press had been exemplary. Nothing had been done by any one connected with it

to bring down upon it this visitation. It was impossible to travel through the country without seeing the native population every where satisfied with the Government of the country, and indeed they ought to be so, for no doubt could be entertained that the Government did every thing to promote their happiness: that laid in their power. It was repugnant to the law of the land, and 13th George 3d. only authorized acts according to the law of England and the 17th only confirmed that power. The Governor General can make such laws as are not repugnant to the law of England. If this Regulation passes this Court he could see no reason why any offence not definable should not be punished. The authority exercised by the Governor General on this occasion is no new authority, for by the Charter of George 1st, power was granted to the Governor General to pass bye laws and regulations for the Government of the country; but it was necessary that these should not be contrary to the law of England, and those passed by the Governor General in Council were not to have effect until approved of by the Supreme Court, who were to be the judges of the legality of the Rules in question.—The Charter of George 2d. gives similar powers to the Company, and authorizes them to pass laws for the good Government of Fort William. Where the law has not provided, they were authorized to institute laws, but even in doing this, nothing must be contrary to the law of England. The law of England abhors the restriction of the Press. Here the Learned Counsel read an extract from Blackstone, which he observed said all that could be said on the subject. My Lord, he continued, I require no more than the words of this great author, for if the words which I have quoted be correct, I contend, that the restraint on the Press is most odious to the British law, and I have no hesitation in saying that a Censorship would be far preferable for the preservation of good government than the Rule now attempted to be established. Let us only see the extent of the power vested in the hands of the Governor General by this Rule.—This was unlimited. And what does it publish to the people of Europe and of India? Why that two or three papers published here had the effect of bringing the Government into contempt.—This was not the only consequence, for it went the length of saying to every person connected with the periodical press—"You shall not write against Government without its permission." This is certainly the meaning of it or it has no meaning at all. Let us suppose the effect of such an act at home? What would it be entitled there? What would be the effect of it? If it were to be established there, no MORNING CHRONICLE would have existed and the life of Mr. Perry, one of the most useful in the world, would have gone by without any thing beneficial or interesting. But such a law could not exist at home. It was the periodical press which had made the British Constitution what it is. It was unnecessary to say any thing on the good effects of free discussion when confined within proper bounds, showing proper respect to Government, but not going the length of servility. Nothing can be more absurd than the idea of vesting a power in one individual of saying to another, "you shall say nothing against me."

The effect of such a rule must be, that nothing will be said of Government except by one side of the question, and papers like the ministerial ones in England alone will exist. What merit can it be to a Government to be spoken well of by papers under its own lash, and with that before them, which forces them to write in its favor? If this power is to be vested in the Government, we are to be favored with nothing but Shipping Intelligence, Bills of Sale, Kidgerie Reports, &c. The Government turn round and say, take care, we do not intend to infringe upon you so far as to say that you shall not publish that the Sir DAVID SCOTT is come from England or the ANNE and MARY from the Eastward, you may also publish the prices of indigo, rice, dial tobacco and Kidgerie, aye, Kidgerie, my Lord, Kidgerie.—but you must not publish public news. Not public news! Oh, then we may publish private news I suppose, tittle tattle! which must surely be very refreshing after the fatigues of the day.—You must not publish the victories of the Greeks over the Turks without licence, lest the Government should take the part of the Turks. Suppose I publish a work—if I publish the first number—well and good—I may do so; but if I publish a second, I must get a licence.—Is this the law of England? No! it is the law of Constantinople or St. Petersburg, but not even of France? What has formerly been the course of English law upon such an occasion? Every thing but the course pursued upon this occasion. When England was engaged in the revolutionary war with France what measures were adopted? They were very salutary ones. The 39th Geo. 3d. enacted that no paper should be published without the name of the publisher, and printer, and obliging securities to be given for the payment of any fines to the king in case of prosecution. Every man who puts pen to paper is answerable for what he writes, and the public has a right to know who is the author of any thing that comes before them. No attempt has been made for a century to impose any thing like a censorship upon the British Press or to licence it. By the 39th of George 3rd, it was enacted that any one establishing a Printing Press shall give notice of his having done so to the Clerk of the Peace, and he is then obliged to grant such

an individual a licence. He is only amenable to the law for what he publishes. The Court is not prepared to go beyond the law of England. No man has ever yet been found, either in the House of Commons or of Peers, who recommended to place the Press under such restrictions at home, as this Regulation, if registered, will subject it to, here. Even at home, so many attempts have been made to impose restrictions upon the Press, that it cannot be supposed that if this Bill were in unison with the law of England, it would not have been thought of there. Every one exclaims against the inquisitorial power of a Court which in England would have established the licensing system, and which did so for a short time, but which was condemned by all our constitutional writers. Against this the voice of the immortal Milton was raised, who implored the Parliament not to pass that act, which would be a disgrace to the cause for which they had done so much. The Learned Counsel contended, that even this inquisitorial act did not infringe so much upon the Liberty of the Press, as the Rule which it was attempted to pass to-day. When Europe was agitated by the works of Voltaire—priests, monks, the profligate courtiers, all entered into a crusade against them, but the short way would have been, to have said that they should not have been published without the licence of the King of France, but this was never thought of. The suspension of the Habeas Corpus Act, was limited to one year, and if not then renewed, it returned to its old course again. But here was a Rule, endeavoured to be established for an indefinite time, which most materially affected the rights of the public. With the exception of the Rule which was now attempted to be registered, nothing had ever been attempted to prevent a man from publishing what the Constitution had given him a right to do, for the last century. Having examined all the acts of Parliament, which had passed for the last 120 years, connected with the Press, the Learned Counsel observed, that he had found nothing similar to the present proceeding. Something like it had been attempted in France, which was the origin of this, but that was nothing like this in severity. The Learned Counsel trusted that those who executed the law would not suffer the Constitution to be thus infringed upon. But the act in France did not refer to Journals, published before the 1st January 1822, the date of the act. But after this period all others were obliged to be licensed by the King. The editors of the Journals of France, that devoted country, may be suspended or suppressed. The effects of the present Rule served only to destroy the publication of any paper, for if the proprietors were to be obliged to procure a fresh Editor and a fresh Printer every day, what else could be the effect of it. What! shall the Government have it in its power to say that no paper shall be circulated without its licence? But this is not the utmost extent to which this power may be stretched; they may grant a licence to one paper, and withhold it from another, and thus have it in their power to ruin the parties engaged in any periodical publication, and entirely to destroy their hopes. Mr. Buckingham had been an instance of this. When he had by the utmost perseverance, and the most splendid talents established himself in this country, the Government exercised the power with which they were vested, and sent him away obliging him to leave his property behind him. The Rule in question put the property of the subject too much at the mercy of the Government, and although I am convinced from my personal knowledge of the members of it, that the present Government is very unlikely to abuse the power, yet no one can answer for the acts of a future Government. By the 13th of Geo. 3d, power is given to the Company to make regulations for the administration of justice, but these are all referred to the 33d, of the same reign, which does not give power to them to make law or create misdemeanors. If this power existed, the power also exists in the hands of the Government to transfer the power of this Court to the Justices of the Peace. By the 53rd. of Geo. 3rd. persons selling arrack and spirituous liquors are obliged to take out a licence, and if like this, the Government has a power to licence newspapers, they have also a right to licence the houses of agency. A person landing in this country with permission to trade has a right to carry, on a fair, free, and unincumbered trade. The Governor General has it not in his power to make that crime which is not crime, nor not change the English law in any particular. In England it is quite sufficient that an affidavit should be made as to the proprietor of a newspaper, and if such affidavit be found to be false, the person making it might be prosecuted for perjury. But here it was not so, because the Governor General in Council had no right to make such a regulation. If there be licensed journals here, there will be unlicensed ones in Serampore, and what will the Government do then? Will they establish a *cardon sanitaire* here to prevent their introduction into Calcutta, as France has done to prevent the introduction of moral poison from Spain. These papers will be purchased with more avidity on the very account of their prohibition. It was true that a power did exist that rendered British subjects responsible to the Mofussil Courts, but there was none that could prevent them from publishing Newspapers on the other side of the Mahratta ditch. In Bobannapore, for instance, any one could publish a Newspaper, and introduce it into Calcutta in defiance of any existing law. The Learned Counsel then

observed that this rule was inexpedient because unnecessary. The only unpleasant feeling introduced into society by the Newspapers of Calcutta was not so much occasioned by the attacks they made upon Government, as by those which the editors made upon each other, but let them tear each other to pieces, said the learned counsel, this only has the happy effect of sending me to sleep. The loyalty of the native population was undoubted, but it could not be answered for, if regulation were to succeed regulation until every vestige of the British constitution were lost. Mr. Fergusson then concluded a most eloquent and animated speech, by observing that he could not quit the subject without expressing his gratitude to Mr. Turton for the able assistance he had received from him. That gentleman, he observed, had been an honor to the bar since his arrival in this country, and he trusted that he would continue to be so, and he entreated the attention of the Court to the observations which he would offer.

A burst of applause followed the speech of Mr. Fergusson, upon which Sir F. McNaghten said that he would commit any man to jail who should repeat it, until he knew how to behave better in a Court of Justice.

Mr. FERGUSSON. My Lord, I am sure that no friends to the liberty of the press would have committed himself in that manner.

Sir F. McNAGHTEN. Certainly not. Certainly not.

Mr. TURTON then commenced by observing, that he had no pretensions to be so eloquent or so entertaining as his learned friend who had just concluded; but it was his duty to enquire as a dry matter of law, whether the Government had a right to pass such a decree, and whether such a decree were repugnant to the law of England. He was speaking in favor of a right which was the pride of a free country, and which was calculated to consolidate every class of the natives of this.

The first power granted to the Company was given to them to be exercised in the island of Bombay according to the forms and customs established "in our realm of England." The 13th George 3d, invests this power in the Company, and authorizes them to make such laws as are not repugnant to the law of the realm, and states that certain abuses in the administration of justice required correction. The object of this was to take care that all ranks should have the same rights, immunities and liberties as the people of England, and among others the liberty of the Press. It may not be out of the way to advert here to the first introduction of printing into England, which took place during the wars of York and Lancaster at the expense of the King. From that time to this no one has dared to utter a word in favor of the application of printing to the furtherance of any particular views of the sovereign. During the arbitrary reign of Henry 8th, the power was claimed of licensing the Press, which will not be wondered at, when the imperious character of that sovereign is considered. This claim was occasionally urged down to the time of the Commonwealth. In the reign of Charles 2d, an act of Parliament first found its way into the records for this purpose. This was not then considered as a prerogative of the King, but as an object of public care. Even when troubled with the long civil war, it appears, that it was not claimed as a prerogative. The effect of this act was that every thing was to be submitted to the licensee, but it did not prevent a printer from carrying on his business, but prevented dangerous subjects from getting abroad. In this case the punishment was not in the hands of the licensee, but in those of a Jury, and was suspension for three months; and when again convicted, then only was the full power of this act to be exercised. This act was continued by James the 2d, the veriest tyrant who ever reigned in England, and who although beloved in private life, was expelled from the throne on account of his tyranny. Even he only continued it for four years. It was removed again in 1692, for one year, at the time when the expedition from La Hogue was preparing to invade the country. The Learned Counsel here referred to the opinion of De Lolme on a free press. The power of the Chief Secretary is to control those actions which cannot be tied down by any precise rule of law. What! is there no constitutional check, for the abuse of the liberty of the Press, but are the Government to say, no; I insist upon the power of crushing you and destroying your property. I believe that the Government are anxious to secure a power which they could not secure at home, and that too, from this motive, that when any thing comes home to our own bosoms, we feel ourselves very deeply interested. Sir Thomas More, in his description of Utopia, seems to have entertained a notion of the same kind with the Government of this country; for he makes it, by the laws of his imaginary country, a crime worthy of death even to speak of the Government. Every man at home has a right to present a petition to the King or Parliament, and not only that, but to bring his grievances before the public in any way he likes. I do not believe that the natives of this country have any desire to return to their old form of Government, because I believe



that the interests and feelings of men always go hand in hand. Arbitrary power may keep the people quiet, but it is not the quiet of composure, but of the charnel house, and the object of stopping the pens and presses of individuals is to prevent their enquiring into those corruptions which ought to be exposed to public scrutiny. Government may be as pure as unsullied snow, but its ministers may not be so, and can it be supposed that in this extensive country there is no corruption, no abuse, which ought to be laid before the public. Let every man be answerable for what he writes and publishes. I have no objection to this, but I have an objection to that being introduced here which is in utter violation of the rights of British subjects. I hope that it is not because they fear examination, that the Government have enforced this regulation, and this is the very reason why they should not press the Court to register it. I believe that they have been misled, and that they have been taught to believe that a state of things exists in this country which does not exist. Is it the recommendation of the British Parliament that the natives of this country should be kept without the means of obtaining knowledge? No! that very Parliament in the act of 53rd of George 3rd says differently. Look at the conduct of the Government of any of those countries where despotic power has lately been overthrown, and there restrictions on the Press have been done away with. Another authority I will quote, and that too, of a man whom I know, and who is not very nice in his principles of liberty any more than De Lolme, and who is indeed called in the part of the country from which I came, a rank Tory. But let us hear what a rank Tory says upon the subject. Here the Learned Counsel read a quotation from the works of Mr. Holt, connected with the Liberty of the Press. If this Rule has been published for the purpose pretended, I would ask, has the Government been sleeping that it did not enact it before? I cannot think that the executive part of the Government has been so careless, and they are now anxious to bring this matter about, that they may prevent their own conduct from being brought before the public—a right which I hope will exist wherever I draw breath.—I sincerely believe that every Government which is administered properly is more likely to gain than lose by free discussion. It is a Rule of the Constitution that the liberty of the subject shall not be abridged, repealed or infringed, without sufficient cause shall be shown for it. The inquisition has no longer the power to control the Press in Spain or Portugal, and shall it be received into a colony, or province, I think I may call it, of the British empire, after being expelled from these countries. It is pretended that the executive power here shall be independent of this Court? If they can do this in one case, why can they not do so in another? Why did they not institute the acts of the 53d Geo. 3d? Why not pass the acts for the better regulation of Calcutta with regard to the dealers in spirituous liquors? On the 24th December 1783, a Rule for restricting the sale of arrack and other spirituous liquors was refused to be registered. This was because it was wished to restrict the sale of those articles to a certain number of shops, who no doubt all of them supplied the Government. So it is, with us, the Government do not come to our shop, but to the one that is on the opposite side of the way. Mr. Turton here concluded a speech highly distinguished for legal knowledge and deep research.

Sir F. MACNAGHTEN then proceeded to deliver his opinion on the question. His Lordship said, that it was a great satisfaction to him to be thus called upon publicly to deliver his sentiments upon this occasion. He was sorry that any one who knew him should think him such an impostor as to wish to conceal his opinion on this subject. Every one knew his Lordship's connection with the Government. His Lordship said that he had nothing to do with the formation of the Rule now before the Court. It had certainly on former occasions been the custom to consult the Judges on any Rule of Council which was about to be passed into a bye law, and accordingly his Lordship observed that he was applied to, but refused to have any concern in the framing of it. He was applied to a second time, and asked if he saw any objection to it. To this, said his Lordship, I replied, as I think, without compromising my former refusal, that there had been an oversight in those who drew it up relating to the fines to be imposed upon individuals who may unintentionally offend, and at my suggestion six words were added to the Rule, and thus it now stands. It appears to me to be assumed in the argument, that Calcutta is as free a land as England. Whether it be advisable for the liberties of Englishmen, or for the inhabitants of Calcutta, to grant a free Constitution to India I shall never enquire, but I shall always rejoice at the spread of liberty. I know that many are of opinion that India is not a proper country for the introduction of the same liberties as those enjoyed by Englishmen at home, but I also know, that others are of quite a different opinion. Among these, Sir Wm. Jones, a zealous and ardent lover of liberty, is one, and he says, that the introduction of liberty into India, would be worse than the most odious tyranny. If we are to have a free Constitution in India, I shall be glad if any one who can do so, will tell me

upon what principle we can found our right to it. I must own I do not know the text or the comment. I must execute the laws as I find them. I confess I am at a loss whence the idea that a British subject or any one else has a right to the liberties of England in this country has arisen. I really know of no place where there is more rational liberty than in Calcutta. Industry is encouraged here, and I never knew an individual who had any claim to it, complain of a want of patronage and attention. I never was in any society where individuals were more free and fearless, and fearless they may well be where they have nothing to fear, in the expression of their sentiments. I say that a free press coming into contact with such a Government as this is, is quite inconsistent and incompatible, and they cannot stand together. What have been the consequences of Mr. Buckingham's transmission. A gentleman has come forward, has taken the charge of the paper and has told the Government that they cannot send him out of the country, do what he will. But may not a Rule be established to meet such a case. It is very true he cannot be sent out of the country, but where is the repugnance to the British law? I repeat again that this Government and a free Press are incompatible and cannot be co-existent. I say that the ground upon which he claims any exemption to that to which an Englishman is liable (I solemnly declare that I mean no offence) is the ground which every sircar, every bearer, every cooly, nay, even every militar in Calcutta can urge for the same purpose.

With respect to the property which any gentleman may have in this paper, I believe there is no intention to refuse it a licence. I speak from conjecture, but I would not register the act, if retrospective objects were contemplated, and if any one will tell me that he has such a fear, I will engage that he shall have a licence, because I will not register the Rule unless it be granted to him. If the papers are to be like the prices of stocks, to depend for their value upon the defeat of the enemy, and to rise and fall accordingly, and if the Government is to be considered as that enemy, I would put an end to such stocks and such stock jobbing.—With respect to Mr. Buckingham, His Lordship observed, that after having been openly bearded by him, after every means of defiance had been made use of by him, the Government had acted very leniently towards him. "Now had I," said His Lordship, "been in the situation of Government, I would not have allowed a copy of that paper to have left Calcutta by my dawk." But such outrages as those contained in Mr. Buckingham's paper, rendered it the bounden duty of Government to send him home.

But is this regulation according to the laws of England? I do not know the repugnance. By the 13th George 3d, power is given to the Government to establish laws for the administration of justice in the Factory of Fort William in Bengal. That of the 21st gives them power to make regulations for all their possessions, and the 33d gives them power to send home nonlicensed persons or to forfeit the licences of such persons as may behave improperly. The 53d recognizes and confirms this power, and these acts protect the Government from any thing that British subjects can do.—In England a power exists equivalent to that of granting a licence, for if a man carries on the business of a printer there, without giving notice to the Clerk of the Peace, any Magistrate may issue his warrant to a constable or other person, and order the house of the offending individual to be broken open, and seizure to be made of his presses, types and all his papers. This although not strictly a licence, His Lordship contended was equivalent to one.

His Lordship concluded by saying; I have before said all that I can say. I had nothing to do with the framing of this regulation, but now I will take the whole blame of it upon myself, though whatever merit it may possess I have no claim to it.—I do really think that some such regulation is absolutely necessary, and that it would be quite absurd to refuse to register this act.—If the Government abuse the power it vests in them, they are responsible for it.—I once more assert that I make this one of the conditions of registering it, that a licence shall not be refused to any paper now in existence.—Taking the view which I have already explained of this act, I shall feel it my duty to order it to be registered. *Hurkarn of yesterday.*

JOHN BULL passing over the Speeches against the New Law with a few words, gives the following account of what fell from Sir F. MACNAGHTEN:—

His Lordship commenced by saying that perhaps he ought to apologize for so readily and immediately giving his Opinion; it might be said that he ought to have deliberated more on the subject, but his mind was completely made up, and therefore he had no hesitation whatever in at once fully expressing his sentiments.

He would premise what he had to say, by stating that he had no concern whatever in the original framing of the regulation. It had hitherto been the custom for an arrangement to take place, whenever the Court was required to register a new Rule. In this case he had

been applied to twice, but he had both times refused to give any opinion on the subject. He was again applied to with a request that he would look at it after it was drawn out, to inspect it as a mere matter of form, and, if he thought proper, to suggest any alterations or corrections which might appear to him to be necessary—accordingly he did read it, and having made a slight alteration of six words, he had returned it, and declared it was a regulation of which he most cordially approved.

Having thus given it his decided sanction, he was perfectly ready to take to himself all censure and blame, which might be supposed to attach to its enactment.

In the address of the learned Counsel, it was assumed as a fact that this was a free country, and that all Englishmen who found their way here, were in the full enjoyment of all the Liberties to which they were entitled in England; with this he could not agree.—As to the expediency of its being so, that was not a point with which at present he had any thing to do—and he should not therefore touch upon it, further than to observe, that Sir William Jones thought this country not in a state to receive that full measure of Liberty which obtained in England under far different circumstances, so far from it indeed, that he declares that the introduction of Liberty here, would be far worse than the most complete despotism.

So much for the expediency; as to the actual existence of the same extent of Liberties in this country and England, he did not know where to look, either for the text or comment, which maintained that an Englishman here has the same rights as an Englishman in England—nor could it be maintained.

One observation he was about to make, in which he firmly believed every individual who heard him, as well as those who had heretofore resided in the Country, would agree with him.—He did not mean to say that this, or any other Government, should have the power of doing wrong without an adequate remedy being provided; but this he would say—in full conviction of carrying his hearers with him, that he firmly believed, that there was not on Earth any town, city, or place where more practical Liberty existed than in Calcutta. During the many years he had resided here, and occupied his present seat, he never heard any man produce a single case—of just complaint of infringement of any political Liberty. As for the theory of this political Liberty he cared little or nothing about it, it was of no consequence, in practice he never saw any place in his life where men were more truly independent, and free to exercise their talents in all lawful pursuits.

If this is a state requiring to be altered, if this is a situation requiring improvement, let it be done; but do not allow it to be done by a Free Press. If we are to have a free Constitution, which we have not—let a free Press follow, not precede it.—With respect to the transmission of Mr. Buckingham, I shall offer no opinion. It is an act for which the Government alone is responsible, nor, sitting here, am I entitled to give any opinion on the subject; but I have no right whatever to suppose that in the exercise, in their discretion, of the power vested in them by law, that they have acted wrong. But since Mr. Buckingham has been sent out of the Country for conduct which the Government deem to be opposition to their authority, and has appointed a successor who tells us that he cannot be controlled by the Supreme Authority, but is superior to it, it is necessary that things should be brought to their proper level. No Government could successfully stand against such a Press.

I know nothing whatever of the present Editor, but I believe him to be a highly respectable Man—belonging to one of the most respectable classes in the Community—but when they place their right of controlling the Government thro' the Press, on the ground of their freedom from the power of transmission, consequent upon the locality of their birth, I must say I think they place it on the worst possible ground, and without meaning any reflection on, or disrespect towards them, I must say that their right is no other than that of every Sircar, Cooly and Mater.

In the petition which has just been read to the Court, it is stated that an infringement on the right of property will ensue from the registering of this Regulation—But is such the case? Are the petitioners prepared to say that at any time, any compact or agreement whatever took place between them and the Government, which would be affected by the proposed Regulation?—Cannot the Government in this case say—

“non in hoc fœdera veni?”

They most assuredly can, and therefore as there was no compact, there can be no infringement; moreover, if this property in a newspaper is to rise and fall, like the stocks, on the triumph over, and defeat of an enemy, and that enemy is the Government of the Country—I for one say the sooner it falls the better.—and I must add that had I been placed in the situation of Supreme power, when the bold defiance to the authority of the Government, consequent upon the transmission of Mr. Buckingham appeared in the CALCUTTA JOURNAL, I would not have suffered a single number to have left the precincts of Calcutta by the Dawn.

It has been averred, that the Regulation, which is the subject of the Petition presented this day, is repugnant to the laws of the Realm—I do not know to what Law it is repugnant, on the contrary it assimilates with the statute Law.

By the 39th of Geo. 3.—Every man who establishes a press in England is compelled to register it, if he neglects to do this any magistrate, on an affidavit being made before him of the fact—may authorise a Constable to break open the house in the day time, and carry away the Presses and all its appendages; in the same way that an Exciseman may seize an unlicensed Distillery, and all its contents.

There is yet another Law which prevents nineteen-twentieths of the People of England from establishing presses at their mere will and pleasure. The 69th of George 3d compels previous securities to be entered into by persons, who publish Newspapers of certain size and value, for the purpose of securing fines on convictions for libel. Moreover the system of licensing pervades almost every department of life.

Barristers, Attornies, Clergymen, Trades in Corporation Towns—are all under the influence of this System, and are all liable to be deprived of their licences—licences too, to which they were entitled from a peculiar education, and on which depends their subsistence. It cannot therefore be said that the New Regulation, is repugnant to the Laws of the Land, since, its principle enters into almost every situation in life.

For these reasons I am more decidedly of opinion, that it is not repugnant to the laws of the Realm, it is what most trades and professions are subjected to in England; nor is it more severe on the liberty of the native subjects, than is the power of transmission in the case of British born subjects, which the Legislature has specially given to this Government.

His Lordship then stated his determination to register the Rule.

### Shipping Arrivals.

#### CALCUTTA.

Date	Names of Vessels	Flags	Commanders	From Whence	Left
April 1	Scotia	British	A. Agnew	Cape	Dec. 10

#### BOMBAY.

Date	Names of Vessels	Flags	Commanders	From Whence	Left
Mar. 12	Triumph	British	R. Crossley	London	Sept. 25
14	Malabar	British	R. S. Fieldon	Bussorah	Feb. 15

### Shipping Departure.

#### BOMBAY.

Date	Names of Vessels	Flags	Commanders	Destination
Mar. 12	Raimany	Arab	Mulden Coaty	Tellicherry
12	Almorah	British	T. Winter	Liverpool
14	Carron	British	McCarthy	Calcutta
14	Sallie	Arab	Ally Naqudah	Mascat

### Stations of Vessels in the River.

#### CALCUTTA. MARCH 31, 1823.

At Diamond Harbour.—CONDE DO RIO PARDO. (P.)—ALFRED, and MANGLES, outward-bound, remain.—ARACABESSA, and ARGYLE, passed up.

Kedgerce.—MINERVA, and FAZEL CURRIM, outward-bound, remain.—JOHN MUNRO, and DOLPHIN, (Brig), passed down.

The MORNING STAR arrived off Suleka on Monday.

### Passengers.

Passengers per Scotia, from Madras to Calcutta.—Mrs. Budwell, Reverend J. Wilson, Captain Glass, Captain Woolis, and Mrs. Hickman, from Vizagapatam.

Passengers per Argyle, from China to Calcutta.—C. R. Cartwright, Esq. Mr. G. Hardie, and Mr. G. Morreau. From Madras.—Reverend Mr. W. Parish, Captain Garrick, Country Service, and Lieutenant Duffton, Madras Native Infantry.

Passenger per Oracabessa, from the Isle of France to Calcutta.—Mr. David Wymess, Free Mariner.

Passengers per Carron, from Bombay for Calcutta.—Sir Anthony Buller, Mrs. Ellis and three Children, Dr. and Mrs. Rutledge, Mrs. Parry and Child, Messrs. Jones, Brown, and Gayan.